

22 August 2022

<b>Committee</b>	Executive
<b>Date</b>	Wednesday, 31 August 2022
<b>Time of Meeting</b>	2:00 pm
<b>Venue</b>	Tewkesbury Borough Council Offices, Severn Room

## **ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND**

### **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 (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). 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.

#### **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.



	<b>Item</b>	<b>Page(s)</b>
<b>4.</b>	<b>MINUTES</b>  To approve the Minutes of the meeting held on 6 July 2022.	1 - 11
<b>5.</b>	<b>ITEMS FROM MEMBERS OF THE PUBLIC</b>  To receive any questions, deputations or petitions submitted under Rule of Procedure 12.  <i>(The deadline for public participation submissions for this meeting is 24 August 2022)</i>	
<b>6.</b>	<b>EXECUTIVE COMMITTEE FORWARD PLAN</b>  To consider the Committee's Forward Plan.	12 - 19
<b>7.</b>	<b>FINANCIAL UPDATE - QUARTER ONE 2022/23</b>  To consider the quarterly budget position.	20 - 30
<b>8.</b>	<b>COUNTER FRAUD AND ANTI-CORRUPTION POLICY</b>  To approve the Counter Fraud and Anti-Corruption Policy together with the delegation of authority to the Head of Finance and Asset Management, in consultation with the Counter Fraud and Enforcement Unit, One Legal and the Lead Member for Corporate Governance, to agree future minor amendments to the Policy, in accordance with a recommendation of the Audit and Governance Committee arising from its meeting on 20 July 2022.	31 - 48
<b>9.</b>	<b>PUBLIC SPACE PROTECTION ORDER - DOG CONTROL</b>  To recommend to Council that the Public Space Protection Order relating to dog control is implemented under S.59 of the Antisocial Behaviour, Crime and Policing Act 2014.	49 - 60

**DATE OF NEXT MEETING**  
**WEDNESDAY, 5 OCTOBER 2022**  
**COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: R A Bird (Chair), G F Blackwell, M Dean, M A Gore, D J Harwood, E J MacTiernan, J R Mason (Vice-Chair), C Softley, R J Stanley, M G Sztymiak and R J E Vines

**Substitution Arrangements**

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

**Recording of Meetings**

In accordance with the Openness of Local Government Bodies Regulations 2014, 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, 6 July 2022 commencing at  
2:00 pm**

**Present:**

Chair  
Vice Chair

Councillor R A Bird  
Councillor J R Mason

**and Councillors:**

G F Blackwell, M A Gore, D J Harwood, E J MacTiernan, C Softley, R J Stanley and  
M G Sztymiak

**also present:**

Councillor J W Murphy

**EX.14 ANNOUNCEMENTS**

- 14.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 14.2 The Chair welcomed Councillor Murphy to the meeting and explained that he was in attendance as Chair of the Overview and Scrutiny Committee for Item 7 – Council Plan Performance Tracker and COVID-19 Recovery Tracker – Quarter Four 2021/22.

**EX.15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 15.1 Apologies for absence were received from Councillors M Dean and R J E Vines. There were no substitutions for the meeting.

**EX.16 DECLARATIONS OF INTEREST**

- 16.1 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.
- 16.2 There were no declarations of interest made on this occasion.

**EX.17 MINUTES**

- 17.1 The Minutes of the meeting held on 1 June 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**EX.18 ITEMS FROM MEMBERS OF THE PUBLIC**

- 18.1 There were no items from members of the public.

**EX.19 EXECUTIVE COMMITTEE FORWARD PLAN**

- 19.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 8-13. Members were asked to consider the Plan.
- 19.2 A Member questioned why the Council Tax, Business Rates and Housing Benefits Overpayments Debt Recovery Policy had been taken off the Agenda prior to the publication of the current Agenda and added to 'pending' in the Forward Plan. In response, the Head of Corporate Services explained that the Policy had not yet been drafted. The team was under pressure making payments for Council Tax energy rebates and the Revenues and Benefits Manager would be passing formulation of the policy to her successor. Accordingly, it was

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

**EX.20 COUNCIL PLAN PERFORMANCE TRACKER AND COVID-19 RECOVERY TRACKER - QUARTER FOUR 2021/22**

- 20.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 14-99, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the Quarter Four 2021/22 Council Plan performance tracker and COVID-19 recovery tracker information.
- 20.2 The Chair of Overview and Scrutiny Committee explained that the Overview and Scrutiny Committee had noted the performance management and recovery reports. Whilst some actions and key performance indicators may not have progressed as expected, or met pre-determined targets, overall the picture was generally positive. Questions raised by the Committee could be found in Paragraph 2.1 of the report. Similar to previous quarters, as could be seen from the questions asked, there was not one real area of focus but a range of questions across all the actions within the Council plan and recovery plan. The key questions/observations to bring to the attention of Executive Committee included asset management - a question was raised around the revised implementation date of March 2023 (from June 2022) for the production of a new asset management plan. It was explained that priority had been given to the Council's carbon reduction plan. Nevertheless, Officers were keen to have it in place as it was an important document even though the current plan was considered to be sound. With regards to another asset related question, Members were pleased to be informed that a tenancy agreement should soon be in place for one of the units within the Council's commercial property portfolio. Once occupied, this would bring an income of approximately £170,000; the Trade Waste project – assurance was given that the project could be delivered within the revised timescale. A trial of food and recycling collections was due to start in July and would shed light on customer expectations, any gaps in the service and how it could be rolled out across the borough. A project update would be given at next week's Overview and Scrutiny Committee where this would be scrutinised in greater detail; processing of minor planning applications – concern was expressed at the outturn figure of 48.57%, especially as there was an improvement review underway. Such applications were important to residents and it may be the only time they ever engaged with the Council on a planning basis. In essence, the Head of Development Services gave assurance that, despite this disappointing figure, officers were working extremely hard to rectify the situation but there was a national issue with regards to securing good quality Planning Officers. It was anticipated that an upturn in performance may be seen within the latter part of the year. It was also acknowledged that responses to customers could be significantly improved. The application tracker being developed by the Business

Transformation Team was one way to improve this aspect of the service; Economic Development and Tourism Strategy – assurance was given that the revised target date of the end of the calendar year could be achieved to develop a new strategy. The Overview and Scrutiny Committee had requested a role in the development of that strategy. The Committee had noted the positive achievements within the quarter and the overall success of the COVID-19 recovery plan. Recognising the success of the recovery plan, this had been integrated back into the Council Plan as part of the annual refresh.

20.3 Referring to the planning application KPIs, a Member noted that the figures provided did not show the enormous amount of work the team was currently managing. She offered her thanks to each and every member of the planning team who were putting in many additional hours to get the Council through a very difficult time. Another Member questioned how the Management Team planned to address the increasing number of vacancies in the Development Management service. In response, the Head of Development Services confirmed that the issues in the Development Management service were acknowledged and the Management Team was trying to tackle them as swiftly as possible. The Council was losing Officers but there was also a national shortage of planners – the private sector was struggling to recruit as well. The Council was looking at its job descriptions and, through the development management review, was trying to address pay as well as recruitment and retention, career graded posts and ‘grow your own’ schemes. The backlog of planning applications was being addressed and the options were being considered to get more people into the department as well as supporting existing staff. The Member understood the issues and felt the ‘grow your own’ approach was something the Council should be doing; however, in the current climate that approach would not fill the immediate vacancies. In response to further questions, the Head of Development Services indicated that Officers were looking at all aspects and it was intended that the Transform Working Group would be updated on the development management review at its next meeting. In response to a query regarding exit interviews, the Corporate Director advised that the Council carried these out routinely but they were not compulsory. Any issues, where appropriate to do so, were fed back to managers. In terms of the consequences of delays in the planning system, the Head of Development Services advised that they included reputational risks to the Council as well as the risk of not meeting national targets. She undertook to speak to the communications team to consider whether communications about the service could be prioritised on a regular basis.

20.4 Accordingly, it was

**RESOLVED:** That the findings of the Overview and Scrutiny Committee’s review of the quarter four performance management and recovery information be **NOTED**.

## **EX.21 FINANCIAL OUTTURN REPORT**

21.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 100-123, highlighted the Council’s financial performance for the previous year, setting out the General Fund and capital outturn positions. Members were asked to consider the General Fund outturn for 2021/22, the financing of the capital programme and the annual treasury management report and performance; and approve the transfers to and from earmarked reserves.

21.2 In introducing the report, the Head of Finance and Asset Management advised that the report outlined an underspend of £4.2million and detailed the reasons for that position – the majority of the underspend was due to one off ringfenced income that had not been spent. The report summarised the service performance that had

generated the surplus as well as highlighting the non-service related activity and other aspects of the overall budget to provide a whole view of the Council's general fund. Particular reference was made to employees - £700,000 underspent largely as a result of staff turnover and vacancies in a number of service groupings; payments to third parties – including £138,000 on planning appeals as well as various provisions amounting to £330,000, in addition, £140,000 on appeals had been funded from reserves totalling £608,000 on planning appeals this year; £215,000 saving in the MRF gate fee due to changing provider; and £300,000 of gross costs, across various activities, were supported by external grant funding which was shown as part of the surplus on income. COVID-19, including Contain Outbreak Management Funding (COMF), expenditure amounted to £807,000 and included £148,000 leisure centre costs; £281,000 on contain outbreak management; additional staff costs across various departments – some full-time staff were redeployed fully to the COVID response, e.g. administering grant schemes therefore agency staff were contracted to backfill the day jobs; and £47,000 of additional Ubico costs due to extra staff, vehicles, PPE and cleaning products in order to be COVID secure. The heading 'projects funded externally' contained the costs and income of the Joint Core Strategy, Garden Towns and Heritage Action Zone – the balances on those individual funds were moved to reserves at year-end.

- 21.3 In terms of corporate codes, the treasury outturn for 2021/22 was a £100,000 gain against budget. In respect of commercial activity, the Council had an investment property portfolio totalling £61.5million which produced a gross rental income of £3.06million – the gross rental income was slightly down against budget expectations of approximately £116,000 as a result of the reletting of the units at Clevedon at lower market rents, a temporary vacancy as a result of a tenant exercising a break clause and an ongoing vacancy at an office unit in Hertford. The commercial property reserve had been utilised to cover the shortfall in income to the general fund. All vacant units had now been let. Business rates were volatile with the Valuation Office Agency agreeing a refund to Virgin Media of £2million. The report also highlighted COVID funding of £1million received in-year to support the Council's position as a result of the COVID pandemic. It had received a fifth tranche of general COVID support funding in the first quarter as well as significant new burdens funding for its work on administering business grants, compensation for losses on sales, fees and charges as a result of COVID for the first quarter of the year and a direct allocation of Contain Outbreak Management Funding (COMF). Delivery of the budget 2021/22 had used less reserves than envisaged at the time of setting the budget – a number of activities such as in-cab technology had not moved forward in the financial year and had therefore not required the funding from reserves as originally planned – the allocation for those projects would remain within the Council's earmarked reserves for draw down once the projects commenced. The outturn for 2021/22 highlighted a significant financial surplus for the Council. Savings had been generated in the delivery of core services which had been supplemented by increased service and corporate income. In addition, substantial external funding had been attracted for both COVID related activity and for service/project specific activity. Overall, a £4.2million net underspend was recorded and went forward to support the Council's reserves, a breakdown of which was attached to the report at Appendix B.
- 21.4 Total revenue reserves of the Council stood at £29.55million as at the end of March 2022 and included earmarked reserves, planning obligations and the general fund working balance. Whilst £4.2million was transferred into reserves from the general fund surplus, there was an overall decrease in revenue reserves of £2.06million as a result of expenditure against existing earmarked reserves in year, particularly relating to COVID, the use of the business rates reserve to meet the collection fund deficit in 2021/22 as a result of COVID and a net reduction in planning obligation reserves. The general fund surplus allowed the Council to

support a number of existing reserves as well as to create new specific reserves to meet some of the inflationary risks that were now arising – increases to existing reserves included: planning contributions to the commercial property reserve, investment reserve and vehicle replacement reserve; increasing the Medium Term Financial Strategy reserve to support financial challenges that the Council faced; increasing the working balance of the Council in line with recommendations associated with the CIPFA resilience index; and adding in-cab project delivery to the waste management reserve. New reserves had been set aside for inflation; and pay awards. Where external funding had been received for specific projects, this had been set aside in ringfenced reserves including transport modelling for the Joint Strategic Plan (JSP), homeless reduction, digitisation of the planning service, health-related projects and investigation of a development corporation for the Garden Town.

- 21.5 The Council's planned capital programme for 2021/22 was £3.9million with the breakdown of the planned expenditure being £2.4million on land and buildings delivery; £0.9million on replacement vehicles and equipment; £0.1million on housing and business grants; and £0.5million on disabled facilities grants. The actual delivery of the capital programme totalled £1.3million which was £2.6million less than the budgeted amount. An underspend of £2.1million was reported against Council land and buildings due to delays with Ashchurch Bridge. Actual expenditure of £276,000 included £59,000 on the decarbonisation project, which was funded from a grant, £178,000 on Ashchurch Bridge and £39,000 on car parking payment machines. A total of £383,000 was spent during the year on vehicles and equipment – this included purchase of three new mowers, a tractor, a wood chipper and a mounted flail for grounds maintenance, waste and recycling bins and the purchase of IT hardware. The community grants programme showed an outturn position of £90,000 expenditure – these were grants distributed to Winchcombe Skate Park and Bishops Cleeve Football Club as well as other small community projects. The disabled facilities grant programme showed an overspend of £31,000 – all expenditure was covered by capital grant funding from the government which was administered by the County Council. Tewkesbury Borough Council's allocation for the year was £500,000 with the total expenditure incurred being £531,209 - the shortfall would be fully recovered. As well as the income for disabled facilities grants, capital receipts were also received for right to buy sales on housing stock previously owned by Tewkesbury Borough Council and for the sale of land in Northway and Bishops Cleeve. The summarised capital programme was shown at Appendix C to the report, together with the sources of finance used. Following the allocation of capital receipts, the balance on capital reserves, both receipts and grants, had increased to £1.539million as at 31 March 2022.
- 21.6 Referring to treasury management, the detailed report was attached at Appendix D and set out the economic environment, local performance and a number of prudential indicators. The prudential indicators had been monitored regularly and there were no deviations from those indicators which arose during the year. The in-year performance of treasury investments resulted in an average return of 1.29% and total income of £429,218, which was £84,218 above budget. In addition, the Council had an in-year gain from the capital growth of its pooled funds totalling £600,000. Given the lack of available investment opportunities, the Council had temporarily invested in short-dated, liquid instruments such as call accounts and money market funds. Total short-term investments at 31 March 2021 was £10million increasing to £22million at the end of this financial year. The average income return, across all investments, had decreased from 1.5% to 1.29%.
- 21.7 A Member referred to the investment units in Clevedon and questioned whether they had been re-let to the existing tenants and why the rents were lower. In response, the Head of Finance and Asset Management explained that one had been re-let and the second had a new tenant. It was already known that the rents may need to decrease when the properties were re-let as they had been on the

high side and rents had decreased in the area – fortunately the other two vacant units in the Council’s commercial property portfolio had been let with increased rents.

21.8 Accordingly, it was

- RESOLVED:**
1. That the General Fund Outturn for 2021/22, the financing of the capital programme and the annual treasury management report and performance be **NOTED**.
  2. That the transfers to and from earmarked reserves be **APPROVED**.

## **EX.22 UK SHARED PROSPERITY FUND**

22.1 The report of the Community and Economic Development Manager, circulated at Pages No. 124-127, outlined the shared prosperity fund process and relevant delegations to enable the Council to take the shared prosperity agenda forward. Members were asked to submit a Shared Prosperity Fund Investment Plan for Tewkesbury Borough by 1 August 2022 and to delegate authority to the Head of Finance and Asset Management, in consultation with the Head of Development Services, the Lead Member for Economic Development/Promotion and the Lead Member for Community, to prepare and submit the Investment Plan on behalf of the Council.

22.2 The Community and Economic Development Manager explained that the government had launched the shared prosperity fund to support places to be empowered to identify and build on strengths and needs at a local level, focus on pride in place and to increase life chances. Specifically, the objectives were to: boost productivity, pay, jobs and living standards by growing the private sector, especially in those places where they were lagging; spread opportunities and improve public services, especially in those places where they were weakest; restore a sense of community, local pride and belonging, especially in those places where they had been lost; and empower local leaders and communities, especially in those places lacking local agency. The investment plan had to be submitted by 1 August 2022 covering a three-year period and focused on three main areas of work: community and place; supporting local business; and people and skills. The government required that the development, and subsequent management, of the investment plan received local input therefore all local authorities were requested to develop a Local Partnership Group to incorporate Members of the Council, as well as other local agencies and partners, the voluntary and community sector and the business community. The group would form a pivotal engagement and consultation role in the formation of the plan. It was intended that the partnership group would meet three times before the submission of the plan

22.3 The shared prosperity fund succeeded the European structural fund which funded several projects across the region, therefore a number of organisations such as the Local Enterprise Partnership (LEP)/Growth Hub had approached the Council and other districts regarding future funding from the shared prosperity fund. The Council was also receiving approaches from agencies and organisations that were aware of the funds. The information supplied by those bodies would feed into the discussions with the Local Partnership Group and would help support the evidence base being established.

22.4 Members indicated that trying to get such a large number of representatives to agree dates for meetings would be quite difficult. In response, the Community and Economic Development Manager explained that the partnership group was a prerequisite of the funding and the government had provided a list of suggested

representatives. The government had also provided a set of 41 metrics which the group had to focus on in the first instance.

22.5 Accordingly, it was

- RESOLVED:**
1. That a Shared Prosperity Fund Investment Plan for Tewkesbury Borough be submitted by 1 August 2022.
  2. That authority be delegated to the Head of Finance and Asset Management, in consultation with the Head of Development Services, the Lead Member for Economic Development/Promotion and the Lead Member for Community, to prepare and submit the investment plan on behalf of the Council.

### **EX.23 INTEGRATED LOCALITY PARTNERSHIP**

23.1 The report of the Community and Economic Development Manager, circulated at Pages No. 128-131, provided background on the work of the Tewkesbury Borough Integrated Locality Partnership to date, as well as next steps regarding the action plan and funding available. Members were asked to consider the work of the Partnership and to resolve that the action plan and cost plan were agreed by the Head of Development Services, in consultation with the Lead Member for Health and Wellbeing.

23.2 Members were advised that, at the outset, the Integrated Locality Partnership had looked to interrogate data, as well as consulting and engaging with key partners to understand the key priorities for the Borough and how best to address health inequalities. At an initial visioning event, four priorities had been identified: mental health; social isolation and loneliness; employment and skills; and physical activity. To assist the work of the Partnership, each district had been awarded funds which were conditional upon projects being designed to address health inequalities as well as a strengthening local communities approach. A total of £250,000 had been allocated for the work which had to be agreed in liaison with the Integrated Locality Partnership – although Tewkesbury Borough Council was the accountable body for the funding that had been allocated. To enable the Council to take the priorities forward, the Partnership would be developing an action plan and a cost plan. To further enhance the decision-making procedure, it was recommended that, alongside the action plan, the Lead Member for Health and Wellbeing would agree the overall cost plan for the Partnership.

23.3 A Member questioned why it had taken two years to get to the current point given the Integrated Locality Partnership had been formed in 2020. In response, the Community and Economic Development Manager explained that, initially, the Partnership was formed to bring partners together to look at health data in the area to understand what the issues were. That process had highlighted Tewkesbury and Brockworth. A project was set up in those areas to engage the community to see if solutions and actions came forward from residents – so the idea was to enable the community rather than the Council or other organisations doing it for them. The Officer in Brockworth was employed by the Parish Council and had been talking to residents about issues around health and how they felt those could be addressed. The next stage in the process was to put in solutions which would provide better health outcomes. The process took a long time but there was two years on the funding – ideas could include new activities / support groups to build community resilience. In Tewkesbury, there was a group including representatives from the Borough Council, GP surgeries, One Gloucestershire etc.

23.4 Accordingly, it was

- RESOLVED:**
1. That the work of the Tewkesbury Borough Integrated Locality Partnership be **NOTED**.
  2. That the action plan and cost plan are agreed by the Head of Development Services, in consultation with the Lead Member for Health and Wellbeing.

## **EX.24 CARBON REDUCTION ACTION PLAN UPDATE**

- 24.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 132-156, sought to update Members on the progress achieved in year two of the Carbon Reduction Action Plan and asked the Committee to approve the recommended year three action plan.
- 24.2 The Head of Finance and Asset Management advised that this was the second annual report following the Council's declaration of a climate emergency in October 2019. Good progress had been made in the second year of the action plan, particularly since the appointment of the new Carbon Reduction Programme Officer. There had been disappointment that it had not been possible to progress the replacement of the heating system at the offices, but the delivery of the solar car parking canopy was well underway and was due to be completed in the next few weeks. In terms of the replacement of the heating system, the securing of external funding remained a key target and would continue to be a primary action in its plans until it was delivered. It was hoped a further round of Public Sector Decarbonisation Funding would be announced in Autumn 2022 and an early bid could be made utilising all of the information gathered in previous rounds. The appendix also included a draft action plan for year three with the actions recommended building on the progress made in the second year and setting solid foundations for the delivery of the Council's 2030 ambition. The third year action plan also began to look at the strategies required to meet targets against the waste and recycling fleet as well as the rollout of electric vehicle charging points.
- 24.3 Appendix A to the report highlighted the achievements of the second year of the action plan which included approval of funding to support the Council's ambitions: £100,000 delivery fund from the Borough Council's reserves; £284,200 of external grant funding and £447,200 of internal funding to support the delivery of a solar car parking canopy; £40,600 of ongoing funding to support a new Carbon Reduction Programme Officer post - as well as appointment of the Carbon Reduction Programme Officer in February; appointment of contractors and start on site for the delivery of the solar car park canopy; an updated Tree Management Policy; and promotional and partnership work in the run up to COP26 last November. The annual emissions report 2021 against 2019 baseline highlighted a significant reduction in emissions across Council services in the last calendar year with a total of 33.5% being saved against the Council's baseline which was a significant achievement; however, that was caveated by the COVID pandemic which had an impact on working practices and energy demand in that period – this may or may not continue moving forward. The Head of Finance and Asset Management also noted that some of the movements in data supplied by outside bodies required further investigation and understanding to clarify either the base position or the 2021 update.
- 24.4 A Member noted that air source heat pumps had been having some bad press recently and she wanted to ensure the Council was keeping the situation under review. The Head of Finance and Asset Management confirmed that Officers were aware of the limitations of air source heat pumps and were looking at alternative options as well. Another Member indicated that one of the common questions he was asked was about electric vehicle charging points and where and when the Council would be installing them. In response, the Head of Finance and Asset

Management advised that the County Council was rolling out on-street parking chargers and, following that, the Borough Council would decide where it wanted to put its charging points. In terms of Councillor mileage, the exact figures were not known as not all Councillors claimed for their mileage. As part of the County group work, Officers were considering how to move forward with that type of issue and whether to be specific or take an average.

24.5 Accordingly, it was

- RESOLVED:**
1. That the progress achieved in Year Two of the Carbon Reduction Action Plan be **NOTED**.
  2. That the recommended Year Three Action Plan be **APPROVED**.

## **EX.25 COVID-19 ADDITIONAL RELIEF FUND SCHEME (SECOND ROUND)**

25.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 157-169, sought approval for the COVID-19 Additional Relief Fund Scheme (Second Round) as well as approval for the decision on the allocation of unspent funds, after all applications had been assessed, to be delegated to the Head of Finance and Asset Management in consultation with the Lead Member for Finance and Asset Management.

25.2 The Revenues and Benefits Manager advised that the government had first announced the COVID-19 Additional Relief Fund (CARF) in March 2021; however, a change to primary legislation was required to deliver the fund which had meant Councils had not been provided with any guidance or notification of their funding allocation until 15 December 2021. The Council was keen to provide support as quickly as possible for businesses and an initial CARF scheme had been agreed under urgency powers by the Chief Executive in consultation with the Lead Members for Economic Development/Promotion and Finance and Asset Management in January 2022. Despite a lot of outreach work with businesses identified as being eligible for support, the Council had only been able to award £214,724.82 of its allocation – it was therefore proposed to launch a second round CARF scheme. According to government guidance, billing authorities could design their own schemes as they were best able to understand the specific economic needs of the area; however, it must not award relief to ratepayers who for the same period either were, or would have been, eligible for expanded retail discount, the nursery discount or the airport and ground operations support scheme; not award relief to a hereditament for a period when it was unoccupied, other than those which had closed temporarily due to the government's advice on COVID-19; and direct support towards ratepayers who had been adversely affected by the pandemic and had been unable to adapt to that impact. The Council had until 30 September to allocate the funding but it was felt there was a chance there may not be enough applications which was the reason for the recommendation that authority be delegated to decide what to do with any unspent funds.

25.3 During the brief discussion which ensued, a Member asked what kind of things might be suggested for spending the money and the Revenues and Benefits Manager advised that other local authorities had taken the approach of identifying businesses that might qualify through the rating list and then awarded them the relief. A Member suggested that there could be a lot of Officer time taken up by identifying businesses that qualified but had not wished to apply for themselves. The Revenues and Benefits Manager confirmed that, in the first funding round, the Council had tried all kinds of communication channels to get the messages out but still there had not been many applications. She undertook to consider whether some of those messages could be 'freshened up' for the second round. New

applicants would need to demonstrate they had been severely financially impacted by the pandemic and that they had been unable to adapt but this was likely to be in the form of accounts, bank statements and management accounts for previous years and bank statements and management accounts for the current year so should not be too onerous. A Member questioned whether they had to have been affected by the lockdowns or whether it could be the more general issues in the economy and the Revenues and Benefits Manager advised that the pandemic was 2020/21 and the current scheme applied to business rates for 2021/22 so people had to prove they were impacted after April 2021.

25.4 One Member was against the recommendation and felt the Council should not use its resources to chase businesses that did not apply for funding. Upon being put to the vote, it was

- RESOLVED:**
1. That the COVID-19 Additional Relief Fund Scheme (Second Round), as attached to the report at Appendix A, be **ADOPTED**.
  2. That authority be delegated to the Head of Finance and Asset Management, in consultation with the Lead Member for Finance and Asset Management, to decide on the allocation of any unspent funds before September 2022.

**EX.26 PROPOSED REVOCATION OF THE TEWKESBURY TOWN CENTRE AIR QUALITY MANAGEMENT AREA**

26.1 The report of the Principal Environmental Health Officer, circulated at Pages No. 170-177, set out details of the Tewkesbury Town Centre Air Quality Management Area and Members were asked to consider its revocation subject to agreement by the Department for Environment, Food and Rural Affairs.

26.2 The Head of Community Services explained that the Tewkesbury Town Centre Air Quality Management Area had had a really positive impact on air quality within Tewkesbury Town and the national air quality limits in the area had not been exceeded for over six years. The sustained improvement in air quality enabled the Council to consider revoking the Tewkesbury Town Centre Air Quality Management Area and that had been supported by the Department for Environment, Food and Rural Affairs as part of its review of the Council's latest annual air quality status report submitted in 2021. It was noted that, even if the Air Quality Management Area was revoked, the air quality would still be monitored and if an increase was seen it would be dealt with.

26.3 A Member questioned how the air quality was monitored and the Principal Environmental Health Officer explained that there were diffusion tubes around the Borough which were exposed for a month and then swapped over and analysed – the data was analysed over a year and compared to Department for Environment, Food and Rural Affairs limits. The tubes were placed in a variety of locations including towns and rural areas so a really good spread of information was gained from them. The Council was currently developing a website so the results were more accessible by the public.

26.4 Accordingly, it was

- RESOLVED:** That the revocation of the Tewkesbury Town Centre Air Quality Management Area (AQMA) be **APPROVED** to take effect as of 1 August 2022, subject to agreement by the Department for Environment, Food and Rural Affairs

(DEFRA).

The meeting closed at 3:45 pm

**EXECUTIVE COMMITTEE FORWARD PLAN 2022/23**

**REGULAR ITEM:**

- **Forward Plan – To note the forthcoming items.**

**Deletions from 31 August 2022**

- Confidential Item: Irrecoverable Debts Write-Off Report – none to report.

**Committee Date: 5 October 2022**

<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Council Plan Performance Tracker and COVID-19 Recovery Tracker – Quarter One 2022/23.	To receive and respond to the findings of the Overview and Scrutiny Committee’s review of the quarter one performance management and recovery information.	Head of Corporate Services.	
<b>Homelessness Prevention Grant Funding Spending Plan</b>	<b>To approve the spending plan for the Homelessness Prevention Grant funding.</b>	<b>Housing Services Manager.</b>	<b>Yes – from August to enable further input.</b>
Equalities and Diversity Policy.	To approve the Equalities and Diversity Policy.	Head of Corporate Services.	Yes – from 6 July 2022.
<b>Housing and Homelessness Strategy Action Plan.</b>	<b>To approve the Housing and Homelessness Strategy Action Plan.</b>	<b>Housing Services Manager.</b>	<b>No.</b>
<b>Licensing Services Review and Restructure.</b>	<b>To approve the new licensing service structure and associated use of funds.</b>	<b>Head of Community Services.</b>	<b>No.</b>
<b>JSP Programme Management</b>	<b>To approve the extension of contract of consultancy support for the project management of the Joint Strategic Plan.</b>	<b>Head of Development Services</b>	<b>No</b>

12

Agenda Item 6

Committee Date: 16 November 2022

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Financial Update – Quarter Two 2021/22.	To consider the quarterly budget position.	Head of Finance and Asset Management.	No.
<b>Review of Capability Policy.</b>	<b>To approve the Capability Policy.</b>	<b>HR and OD Manager.</b>	No.
<b>First Floor Refurbishment Project.</b>	<b>To approve the First Floor Refurbishment Project.</b>	<b>Head of Finance and Asset Management.</b>	No.
Car Parking Strategy.	To approve the Car Parking Strategy.	Head of Development Services.	Yes – delayed from October to allow time for it to go to Overview and Scrutiny Committee.
Empty Homes Strategy.	To approve the Empty Homes Strategy.	Head of Community Services.	No.
<b>M5 J10 Development Consent Order.</b>	<b>To receive an update on the M5 J10 Development Consent Order process.</b>	<b>Head of Development Services</b>	No
<b>Infrastructure Funding Statement 2022, CIL and S106 reports on the financial year 2021/22 and the Infrastructure List</b>	<b>To consider and make a recommendation to Council.</b>	<b>Community Infrastructure Levy Manager.</b>	No.

13

**Committee Date: 16 November 2022**

<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
<b>CIL Review of Charging Schedule(s) with the new 'draft' Charging Schedule submitted for approval to go out to formal public consultation.</b>	<b>To consider and make a recommendation to Council.</b>	<b>Community Infrastructure Levy Manager.</b>	<b>No.</b>
Confidential Item: Irrecoverable Debts Write-Off Report (Quarterly).	To consider the write-off of irrecoverable debts.	Head of Corporate Services.	No.

(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)).

14

Committee Date: 4 January 2023

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Medium Term Financial Strategy (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.	Head of Finance and Asset Management.	No.
Housing Strategy Monitoring Report (Annual).	To approve the Housing Strategy Monitoring Report.	Housing Services Manager.	No.
Treasury and Capital Management (Annual)	To approve and recommend approval to Council, a range of statutorily required policies and strategies relating to treasury and capital management.	Head of Finance and Asset Management.	No.
<b>Economic Development and Tourism Strategy.</b>	<b>To approve the Economic Development and Tourism Strategy.</b>	<b>Community and Economic Development Manager.</b>	No.
ICT Strategy.	To approve the ICT Strategy.	ICT Operations Manager.	No.
Data Protection Policy.	To approve the Data Protection Policy.		No.
Risk Management Strategy.	To approve the Risk Management Strategy.		No.
Joining Project Solace.	To approve a one year pilot of Project Solace, an antisocial behaviour partnership with Gloucestershire Police.	Head of Community Services.	No.

15

<b>Committee Date: 1 February 2023</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Budget 2023/24 (Annual).	To recommend a budget for 2023/24 to the Council.	Head of Finance and Asset Management.	No.
Financial Update - Quarter Three 2022/23.	To consider the quarterly budget position.	Head of Finance and Asset Management.	No.
Council Plan Performance Tracker and COVID-19 Recovery Tracker – Quarter Two 2022/23.	To receive and respond to the findings of the Overview and Scrutiny Committee’s review of the quarter two performance management and recovery information.	Head of Corporate Services.	No.
<b>To approve the ‘Health in All Policies’ policy.</b>	<b>To approve a policy to better consider the Council’s approach to health and wellbeing in the community.</b>	<b>Head of Community Services.</b>	<b>No.</b>
Confidential Item: Irrecoverable Debts Write-Off Report (Quarterly).	To consider the write-off of irrecoverable debts.	Head of Corporate Services.	No.
(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)).			

<b>Committee Date: 1 March 2023</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Asset Management Strategy.	To approve the Asset Management Strategy.	Head of Finance and Asset Management.	Yes – from 1 June 2022.
<b>Asset Management Strategy.</b>	<b>To approve the Asset Management Strategy.</b>	<b>Asset Manager.</b>	<b>No.</b>
<b>Waste Services Fleet Procurement.</b>	<b>To approve the procurement of the waste services vehicle fleet.</b>	<b>Head of Community Services.</b>	<b>No.</b>

<b>Committee Date: 29 March 2023</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Council Plan Performance Tracker and COVID-19 Recovery Tracker – Quarter Three 2022/23.	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter three performance management and recovery information.	Head of Corporate Services.	No.
Council Plan 2020/24 Refresh (Annual).	To consider the Council Plan and make a recommendation to Council.	Head of Corporate Services.	No.
High Level Service Plan Summaries (Annual).	To consider the key activities of each service grouping during 2022/23.	Head of Corporate Services.	No.
<b>Volunteering Policy.</b>	<b>To approve the Volunteering Policy.</b>	<b>HR and OD Manager.</b>	<b>No.</b>

### 2022/23 Items

<b>Committee Date: June 2023</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
<b>Planned Maintenance Programme.</b>	<b>To approve the Planned Maintenance Programme.</b>	<b>Asset Manager.</b>	<b>No.</b>

**PENDING ITEMS**

<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Date Item Added to Pending</b>
Community Infrastructure Levy Review – New Draft Charging Schedule.	To recommend to Council for approval.	Head of Development Services.	January 2022.
Spring Gardens Regeneration Phase 1a report.	To agree the recommendation of the preferred option for the regeneration of Spring Gardens.	Head of Finance and Asset Management.	4 September 2019.
Capital Funding for Additional Waste Vehicle.	To receive a report following exploration of the mechanism for requesting additional capital funding for an additional waste vehicle, and for adding the provision of a new waste collection depot to the Infrastructure List to enable Community Infrastructure Levy funding to be used.	Head of Community Services.	Request by Overview and Scrutiny Committee April 2022.
Economic Development and Tourism Strategy.	To approve the Strategy.	Head of Development Services.	9 May 2022
Council Tax, Business Rates and Housing Benefits Overpayments Debt Recovery Policy	To approve the Council Tax, Business Rates and Housing Benefits Overpayments Debt Recovery Policy.	Head of Corporate Services.	21 June 2022

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	31 August 2022
<b>Subject:</b>	Financial Update – Quarter One Performance Report
<b>Report of:</b>	Head of Finance and Asset Management
<b>Head of Service/Director:</b>	Head of Finance and Asset Management
<b>Lead Member:</b>	Lead Member for Finance and Asset Management
<b>Number of Appendices:</b>	Three

**Executive Summary:**

The budget for 2022/23 was approved by Council in February 2022 with the reserves being approved at Executive Committee in July 2022. This report is the first quarterly monitoring report of the Council's financial performance for the year.

The report highlights a projected outturn surplus, based on the quarter one position, of £275,461 on the revenue budget and details the expenditure to date against both the capital programme and the approved reserves.

It should, however, be noted that the forecast currently includes the budgeted assumption of a 2% pay award for staff. The pay request made by the Unions and the recent offer made by the employers' side are both significantly in excess of this, reflecting the push of the anticipated national living wage and current inflationary impacts. Once agreed, it is expected that additional full year costs of a minimum £300,000 will be incurred. A pay award reserve of £500,000 has been set aside to meet the in-year impact.

**Recommendation:**

**To consider the financial performance information for the first quarter of 2022/23.**

**Financial Implications:**

As detailed within the report.

If the budget is in deficit at year-end, then the Council will have to use reserves to fund the overspend, meaning that these resources are not available to fund other activities or future financial management of the Council's projected medium term budgets. The Council currently has a £1m General Fund balance but significant earmarked reserves.

**Legal Implications:**

The authority is required to set a balanced budget having given regard to the advice of its Chief Finance Officer (Section 151 Officer). Section 25 of the 2003 Local Government Act requires the Section 151 Officer to comment on the robustness of the estimates and the adequacy of reserves.

**Environmental and Sustainability Implications:**

None arising from this report.

**Resource Implications (including impact on equalities):**

None associated with the report.

**Safeguarding Implications:**

None associated with the report.

**Impact on the Customer:**

None associated with the report.

## 1.0 INTRODUCTION

1.1 This report provides the quarter one (Q1) monitoring position statement for the financial year 2022/23. The purpose of this report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues, and to inform members of any action to be taken if required.

1.2 The report is prepared based on expectations as at the end of quarter one. However, the current economic conditions are extremely volatile and, although provision is made in this report for expected inflationary impact and risks are outlined with regard to the pay settlement, it cannot be ruled that there will be a deterioration in the financial projection in coming quarters.

## 2.0 REVENUE BUDGET POSITION

2.1 The financial budget summary for Q1 shows a projected surplus of £275,461 for the full year against the approved budget. The following table highlights the forecast outturn position for service provision, the net position on corporate income and expenditure and the resulting surplus.

	<b>Budget</b>	<b>Full Year Projection</b>	<b>Full Year Variance</b>
<b><u>Services expenditure</u></b>			
Employees	£11,746,948	£11,353,272	£393,676
Premises	£613,798	£650,417	-£36,619
Transport	£61,560	£47,788	£13,772
Supplies & Services	£2,218,531	£2,232,910	-£14,379
Payments to Third Parties	£6,647,923	£8,331,513	-£1,683,590
Transfer Payments - Benefits	£9,000,000	£9,000,000	£0
Central Recharges	£29,929	£29,929	£0
COVID-19 Costs	£0	£5,676	-£5,676
Projects Funded Externally	£0	-£271,972	£271,972
Income	-£17,194,670	-£18,479,108	£1,284,438
<b>Services Sub Total</b>	<b>£13,124,019</b>	<b>£12,900,425</b>	<b>£223,594</b>
<b><u>Corporate expenditure</u></b>			
Treasury – Interest Received	-£439,000	-£624,000	£185,000
Treasury – Borrowing Costs	£467,000	£449,000	£18,000
Investment Properties	-£3,230,484	-£3,173,675	-£56,809
Corporate Savings Targets	-£100,000	£0	-£100,000
Core Government funding	-£1,511,086	-£1,511,086	£0
New Homes Bonus	-£1,633,094	-£1,633,094	£0
Business Rates	-£3,066,786	-£3,066,786	£0

Business Rates – deficit from 21/22	£1,179,606	£1,179,606	£0
Council Tax Surplus	-£98,009	-£98,009	£0
Council Tax precept	£2,433,310	£2,433,310	£0
Use of reserves & MRP	£119,430	£113,754	£5,676
<b>Corporate Sub Total</b>	<b>-£5,879,113</b>	<b>-£5,930,980</b>	<b>£51,867</b>
Surplus / (deficit)			<b>£275,461</b>

## 2.2 Service Expenditure

The quarter one full year projection highlights a full year cost of service provision totalling £12.9m, resulting in a surplus against the approved budget of £223,594.

The following paragraphs highlight the main reasons for this projected surplus. In addition, Appendix A provides detail at a service level with notes on variances over £10,000.

## 2.3 The full year projection for employees highlights a potential gross surplus of £591,914. It should however be noted that within the Council's corporate expenditure is a target to save £100,000 from employment costs across the Council. The net position is therefore a surplus against target of £491,914.

Savings are expected due to high levels of turnover and a number of vacant posts. This has affected many service areas including One Legal, Development, Democratic and Corporate Services.

Included within employment costs is an assumed 2% pay award for April 2022. In early June, the Unions submitted a pay claim which requested an increase of £2,000 or the current rate of RPI, whichever is the greater, for every scale point plus a number of other specific changes to terms and conditions. The employers side responded in late July with an offer of £1,925 on every scale point plus an additional day of annual leave.

The size of the claim and offer is being driven by the need to increase the lowest scale point by an estimated 10.5% to meet the expected National Living Wage. The need to increase the bottom scale point by this size means that there is a significant implication for all other scale points. In addition to this, the current inflationary pressures, coupled with the cumulative impact of zero or low pay awards, are driving significantly higher pay claims than were imagined twelve months ago.

The Council's budget assumed a 2% pay award based on the core inflation target for the Bank of England and what was affordable given the reduction in central funding contained within the settlement for 2022/23. No central funding was made available at the time of settlement for inflationary pressures and the government's current position remains that no further funding will be made available during the year to meet increased cost pressures.

The Council will therefore have to meet the cost of the pay award, once it is agreed, from its own resources. A reserve of £500,000 was established at year-end to meet this requirement. An estimate of the impact of the employers' offer is a £500,000 gross cost to the Council, including the Ubico contract, of which, circa £200,000 is available in base budget.

- 2.4** Premises costs highlights a projected overspend of £36,619. It is expected that programmed maintenance costs will exceed budget by £25,000. Any overspend in the year will be funded from the asset maintenance reserve. Due to One Legal now occupying the top floor office space within the public service centre, the business rates have risen as these can no longer be recharged.
- 2.5** There is a projected saving of £13,772 for transport costs, the main reason for this being the reduction of business travel across the Council.
- 2.6** The projected outturn for Supplies & Services highlights a potential overspend of £14,379. Annual computer licences are expected to be £28,000 over budget due to the renewal fees being greater than budget as they tend to be based on current levels of inflation. We are expecting higher costs within postage, printing and audit fees. This overspend is reduced by a potential saving in card terminal bank charges of £26,000.
- 2.7** Payments to third parties highlights a projected overspend of £1,683,590. However, it should be noted that £1.5m of this overspend is due to the M5 A46 government grant, highlighted within the income figures, being paid over to the County Council.
- The Ubico contract is forecast to be overspent by £240,000 at year-end driven in large part by the rising cost of fuel. This alone accounts for an estimated overspend of £141,000. They have also estimated a rise in employment costs and supplies & services. This is mainly due to potentially requiring agency staff to cover absences and holiday cover but also includes the increased cost of vehicle hire.
- At the start of this financial year, and after the budget was set, we were informed by Cheltenham Borough Council of additional running costs in relation to Swindon Road Depot. The costs, previously borne by Cheltenham, are in relation to the day-to-day running costs and maintenance requirements for the depot are estimated to be in the order of £150,000 per annum.
- The MRF gate fee is expected to be £150,000 lower than budget which is due to a significant reduction in the gate fee per tonne being paid. The current buoyant market for recycled materials has resulted in the gate fee paid dropping from £67 per tonne at the start of the contract last year to a current price of £26 per tonne.
- 2.8** Income in many areas of Council activity are showing a positive position. In particular, Development Management is predicting a 20% increase in planning fees due to a rise in the number of planning applications. In addition, a number of other income streams are projected to deliver income in excess of budget including car parking and licensing.
- A few areas however are projecting lower income than budget. Income from Tewkesbury Leisure Centre is expected to be £66,000 lower than budget. Due to a vacant commercial unit in the Council offices income is predicted to be £50,000 down on budget. In addition, One Legal income is below target, although this is offset against savings within employee costs.
- The income position is significantly boosted by the receipt of the M5 A46 government grant of £1.5m, this is to be paid over to Gloucestershire County Council which is shown within payments to third parties.
- 2.9** Corporate Expenditure
- The expenditure associated with corporate activities as well as the financing of the Council is shown in the second section and highlights an estimated surplus of £51,867 for the financial year.
- 2.10** Treasury activities are expected to deliver savings in borrowing costs, despite the increasing rates, as the Council has been able to divest itself of some of its previous borrowing need.

The increased market rates are however good news for our investment activities with significant additional income now forecast for the year. Both our day-to-day investments and our pooled funds are experiencing returns significantly in excess of the budget expectations given the step rises in the base rate.

- 2.11** Our commercial property portfolio is currently predicting a deficit on the year as a result of the expected temporary void at one office unit in Hertford. Whilst the unit has now been let, inducements of six months rent free will mean only limited income on this unit in the current year but will secure a tenant for the next ten years if the full course is run. Similarly, unit 5 at Tipton has also been let but inducements will restrict income in this financial year. Unit 5 is not in this year's budget so any income received is additional to expectations. The forecast variance on the income stream will be met by the commercial property reserve.
- 2.12** The overall projected position on retained business rates is currently inline with budget expectations at £3.06m.
- 2.13** The income line 'Use of Reserves & MRP' highlights the intended level of reserves being brought into the general fund during the year less the cost of the repayment of borrowing – the Minimum Revenue Provision. Outside of the budgeted transfer from reserves, expenditure being financed by reserves is usually allocated directly to reserves and shown separately in section 4 of the report. However, some expenditure is recorded in the general fund and so additional funding is brought in to match off that expenditure.
- 2.14** Bringing together both the surplus on net service expenditure and that on net corporate expenditure results in an overall budget surplus projection of £275k for the year. As highlighted earlier in the report, inflationary pressures are starting to impact the financial projection and could worsen as go further through the year. In particular, the cost of the pay award could be substantial and, although in year reserve provision exists, the ongoing impact, coupled with the potential for a similar award in 2023, will have a dramatic effect on our cost base without additional government funding being made available.
- 2.15** **CAPITAL BUDGET POSITION**
- 2.16** Appendix B shows the capital budget position as at Q1. This is currently showing an underspend of £525k against the profiled budget of £1,294,000.
- The capital programme estimates total expenditure for the year to be circa £5.17m. The main elements of this year's forecast include:
- Ashchurch Bridge.
  - Vehicle replacement.
  - Solar canopy.
  - Disabled Facilities Grants (DFG).
- 2.17** As noted in previous budget reports, there are currently unavoidable delays with the delivery of the Ashchurch bridge project which accounts for the majority of the reported underspend on land and buildings. The solar canopy was close to completion in Q1 with expenditure at that point being £382,000 with a further £200,000 expected. This will be partly funded from the external capital grant the Council received last year.
- 2.18** An overspend is being reported for vehicle replacement as the new sweeper, which was expected in Q4, was delayed until the new financial year. No further vehicles are expected to be acquired this year.

- 2.19** As can be seen in Appendix B, Disabled Facilities Grants is showing an overspend as more grants have been paid out. The overspend will be met by increased grant being released by the County Council.
- 2.20 RESERVES POSITION**
- 2.21** Appendix C provides a summary of the current usage of available reserves and supporting notes are provided for reserves where expenditure is high. As at 1 April 2022, these reserves stood at £18.13m which is an increase of £1.93m on the previous year. The increase reflects the 21/22 budget surplus which includes significant external funding for a range of projects.
- 2.22** Reserves have been set aside from previous years to fund known future costs and the strategic planning of the authority's operation. The information in the appendix does not take account of reserves which have been committed, but not yet paid.
- 2.23** As would be expected at the end of Q1, reserves expenditure is relatively modest but it is expected that further significant expenditure will be incurred against these reserves through the remainder of the year.
- 3.0 CONSULTATION**
- 3.1** Budget holders have been consulted about the budget outturn for their service areas. The feedback has been incorporated in the report to explain differences between budgets and actual income and expenditure.
- 4.0 ASSOCIATED RISKS**
- 4.1** None.
- 5.0 MONITORING**
- 5.1** Budget monitoring occurs on a monthly basis and is formally reported quarterly.
- 6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**
- 6.1** Budget monitoring is on the approved annual revenue and capital budget for 2022/23 which has been prepared in line with the Medium-Term Financial Strategy.

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**Background Papers:** None.

**Contact Officer:** Head of Finance and Asset Management.  
01684 272005 [simon.dix@teWKesbury.gov.uk](mailto:simon.dix@teWKesbury.gov.uk)

**Appendices:** A – Revenue position by service.  
B – Capital position.  
C – Earmarked reserves update.

# Appendix A - Quarter 1 budget report

## Chief Executive

	Full Year Budget	Projected Outturn	Savings / (Deficit)
	£	£	£
Employees	275,714	277,482	(1,768)
Premises	0	0	0
Transport	0	0	0
Supplies & Services	8,160	8,160	0
Payments to Third Parties	0	0	0
Income	0	0	0
<b>TOTAL</b>	<b>283,874</b>	<b>285,642</b>	<b>(1,768)</b>

## Community Services

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	1,473,469	1,466,872	6,597	
Transport	900	0	900	
Supplies & Services	130,703	139,999	(9,296)	
Payments to Third Parties	5,674,721	5,870,225	(195,504)	1
Ringfenced Projects and Funding	0	0	0	
Income	(2,449,356)	(2,537,609)	88,253	2
<b>TOTAL</b>	<b>4,830,437</b>	<b>4,939,487</b>	<b>(109,050)</b>	

1) The adverse variance of £195k is mainly due to the following:

Due to rising costs of fuel, Ubico have predicted an overspend of £141k. In addition to this, Ubico are expecting an overspend of £50k across various service areas due to higher employment costs, supplies & services and support services.

After budget setting the council were informed of additional running costs in relation to Swindon Road Depot, this amounts to £150k.

The MRF gate fee is expected to be £150k lower than budget which is due to a significant reduction in the gate fee per tonne being paid.

The current buoyant market for recycled materials has resulted in the gate fee paid dropping from £67 per tonne at the start of the contract last year to a current price of £26 per tonne.

2) The £88k favourable variance is predominantly due to the following:

£73k of additional licensing income projected by the end of the financial year.

Income from civil penalty notice's has exceeded budget by £13k in the first quarter.

Recycling credits are expected to be £17k less than budget.

## Corporate Services

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	2,470,385	2,442,929	27,456	3
Transport	0	0	0	
Supplies & Services	674,122	687,328	(13,206)	4
Payments to Third Parties	209,738	218,173	(8,435)	
Transfer Payments - Benefits Service	9,000,000	9,000,000	0	
COVID-19 Costs	0	5,676	(5,676)	
Income	(9,488,464)	(9,540,189)	51,725	5
<b>TOTAL</b>	<b>2,865,781</b>	<b>2,813,917</b>	<b>51,864</b>	

3) Combination of posts currently vacant across various services eg revenues & benefits, corporate, internal audit.

4) Projected overspend in relation to software and licences re: energy rebate schemes. However, this will be offset by new burdens income received (government grants). Tewkesbury Borough News also projected to be overspent eg increase cost in paper.

5) New burdens grants.

## Democratic Services

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	303,842	263,083	40,759	6
Premises	0	280	(280)	
Transport	9,600	5,995	3,605	
Supplies & Services	507,445	503,190	4,255	
Payments to Third Parties	34,000	34,031	(31)	
Income	(2,500)	(2,481)	(20)	
<b>TOTAL</b>	<b>852,387</b>	<b>804,098</b>	<b>48,289</b>	

6) A full time vacant post gives a saving of £44k plus 13 hours saving in another post gives ca. £10k. This is offset against overtime to cover peaks as we near the Borough elections next year.

### Development Services

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	2,184,521	2,136,742	47,779	7
Premises	53,476	49,433	4,043	
Transport	0	206.5	(207)	
Supplies & Services	204,699	227,970	(23,271)	8
Payments to Third Parties	327,795	326,020	1,775	
COVID-19 Costs	0	0	0	
Income	(1,397,111)	(1,653,254)	256,143	9
<b>TOTAL</b>	<b>1,373,380</b>	<b>1,087,117</b>	<b>286,263</b>	

7) Projected salary savings due to turnover in a number of positions across the group

8) Overspent mainly due to a high rise in computer annual renewal costs and subscriptions with professional planning software providers.

9) Expected additional income from planning fees and £120k contributions from JCS partnership.

### Finance and Asset Management

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	2,323,828	2,342,212	(18,384)	10
Premises	560,322	600,703	(40,381)	11
Transport	48,060	40,350	7,710	
Supplies & Services	574,067	550,682	23,385	12
Payments to Third Parties	373,798	351,452	22,346	13
Drainage Board Levy	6,500	7,837	(1,337)	
COVID-19 Costs	0	0	0	
Income	(1,385,652)	(1,290,626)	(95,026)	14
<b>TOTAL</b>	<b>2,500,923</b>	<b>2,602,611</b>	<b>(101,688)</b>	

10) Projected overspend due to costs for climate change consultancy support to be met by unspent agency payments.

11) Overspend due to additional programmed maintenance costs totalling an estimated £25k plus £16k business rates for the area in which One Legal now occupy.

12) Expected savings of £26k associated with PDQ terminal charges.

13) Expected savings on Climate Change agency costs of £14k and a further £10k associated with agency costs relating to the Council Offices and Treasury Mgmt. Greater than expected costs associated with car parks reduce these savings

14) Income is reduced by a vacant unit on the top floor of the Council Offices (£50k) and reduced income from the leisure centre which is expected to be £66k down on budget. Car park income is estimated to be £20k over budget but also £10k down with regards excess charges collected.

### Garden Communities

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	0	264,318	(264,318)	15
Premises	0	0	0	
Transport	0	0	0	
Supplies & Services	0	118	(118)	
Payments to Third Parties	0	1,507,536	(1,507,536)	16
COVID-19 Costs	0	0	0	
Income	0	(1,500,000)	1,500,000	17
Reserve Funding	0	(271,972)	271,972	15
<b>TOTAL</b>	<b>0</b>	<b>(0)</b>	<b>0</b>	

15) All salary costs are fully covered by contributions and reserves.

16) M5 A46 Government Grant to be paid to GCC.

17) M5 A46 Government Grant received, will be paid to GCC which has been included in payments to third parties.

### Corporate Director

	Full Year Budget	Projected Outturn	Savings / (Deficit)
	£	£	£
Employees	131,685	130,320	1,365
Supplies & Services	515	-	515
Income	0	0	0
<b>TOTAL</b>	<b>132,200</b>	<b>130,320</b>	<b>1,880</b>

**One Legal**

	<b>Full Year Budget</b>	<b>Projected Outturn</b>	<b>Savings / (Deficit)</b>	
	<b>£</b>	<b>£</b>	<b>£</b>	
Employees	2,583,504	2,029,314	554,190	18
Transport	3,000	1,237	1,763	
Supplies & Services	118,820	115,464	3,356	
Payments to Third Parties	21,371	16,239	5,132	
Central Recharges	29,929	29,929	0	
Income	<b>(2,471,587)</b>	<b>(1,954,950)</b>	<b>(516,637)</b>	19
<b>TOTAL</b>	<b>285,037</b>	<b>237,233</b>	<b>47,804</b>	

18) The favourable variance of £554k relates to various vacant posts across One Legal, the main contributors being: 2 Principal Lawyer posts, PPDM, 3 Senior Lawyer and 2 Lawyer posts. Agency staff are being utilised where possible to meet the work requirements.

19) Limited resources available to undertake additional work have had an impact on the ability to achieve the income targets and as a result, the actual income for Q1 is below the budget.

## Appendix B - Analysis of capital budget 2022/23

	Q1 Budget Position £	Q1 Actual Position £	(Over) / Under spend £	% Slippage	Comments
Council Land & Buildings	1,116,616	383,672	732,944	66	Delays in the Ashchurch Bridge project, Q1 expenditure relates to the solar canopy.
Vehicles	0	163,496	(163,496)	(100)	Vehicle purchase included in the 2021/22 capital budget has been delayed and completed in April 2022. No further expenditure expected in 2022/23
Equipment	52,116	30,945	21,171	41	More expenditure expected later in the year
Capital Investment Fund	0	0	0	0	No budget in 2022/23
Community Grants	0	0	0	0	No budget in 2022/23
Housing & Business Grants	125,000	190,997	(65,997)	(53)	More Disabled Facilities Grants paid out in the first quarter than expected.
	<b>1,293,732</b>	<b>769,110</b>	<b>524,622</b>	<b>41</b>	

## Appendix C - Revenue reserves for 2022/23

Reserve	Balance 31st March 2022	Spent in Reserve Q1	Reserve Remaining	Note
<b>Service Reserves</b>				
Asset Management Reserve	1,556,309		1,556,309	
Borough Growth Reserve	628,291		628,291	
Borough Regeneration Reserve	81,619		81,619	
Business Rates Reserve	-		-	
Business Support Reserve	253,942	14,340	239,603	
Business Transformation Reserve	1,289,412	46,895	1,242,517	1
Climate Change Reserve	365,333	11,880	353,454	
Community Support Reserve	892,575	86,116	806,459	2
Council Tax Reserve	250,792		250,792	
Development Management Reserve	473,437	9,178	464,259	
Development Policy Reserve	2,019,322	-	2,021,559	
Elections Reserve	190,848		190,848	
Flood Support and Protection Reserve	9,509	7,810	1,699	
Garden Communities Reserve	1,284,208	47,050	1,237,158	3
Health & Leisure development reserve	1,889	2,493	- 604	
Housing & Homeless Reserve	649,098	30,220	618,878	4
Insurance Reserve	60,000		60,000	
Investment Reserve	450,000		450,000	
IT Reserve	167,062	10,402	156,659	
MTFS Equalisation Reserve	3,103,157		3,103,157	
Open Space & watercourse Reserve	637,585		637,585	
Organisational Development Reserve	157,955	7,886	150,069	
Risk Management Reserve	760,000		760,000	
Waste & Recycling development Reserve	2,843,606		2,843,606	
	18,125,949	272,033	17,853,916	

### Notes

- 1 Expenditure against a combination of specific reserves including the Digitalisation team and various temporary posts in the revenues and benefits team.
- 2 Predominantly licensing improvement costs and an environmental health officer.
- 3 Investigation into options for an appropriate Garden Town Delivery Vehicle.
- 4 Places of safety expenditure.

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	31 August 2022
<b>Subject:</b>	Counter Fraud and Anti-Corruption Policy
<b>Report of:</b>	Head of Service, Counter Fraud and Enforcement Unit
<b>Head of Service/Director:</b>	Head of Finance and Asset Management
<b>Lead Member:</b>	Lead Member for Corporate Governance
<b>Number of Appendices:</b>	One

**Executive Summary:**

To present the Executive Committee with an updated Counter Fraud and Anti-Corruption Policy for approval.

The Policy has been reviewed to ensure the content reflects current legislation and the Council's Policies and Procedures.

**Recommendation:**

- 1. That the Counter Fraud and Anti-Corruption, as attached at Appendix 1, be APPROVED.**
- 2. That authority be delegated to the Head of Finance and Asset Management, in consultation with the Counter Fraud and Enforcement Unit, One Legal and the Lead Member for Corporate Governance, to approve future minor amendments to the Policy.**

**Financial Implications:**

There are no direct financial implications as a result of this report. The support of the Counter Fraud and Anti-Corruption Policy will help to support the prevention and detection of misuse of public funds and fraud therefore reducing potential financial loss to the Council.

**Legal Implications:**

In general terms, the existence and application of an effective fraud risk management regime assists the Council in effective financial governance which is less susceptible to legal challenge.

The legislation utilised by the Counter Fraud and Enforcement Unit, and other service areas within the Council, is identified within the Policy and the Council must comply with all legislative requirements.

The Council must also ensure that authorisations obtained under the Regulation of Investigatory Powers Act 2000 or the Investigatory Powers Act 2016 are appropriately logged, maintained and updated on the central register.

**Environmental and Sustainability Implications:**

Not applicable.

**Resource Implications (including impact on equalities):**

No direct resourcing implications.

The application of the Policy and the promotion of effective counter fraud controls and a zero tolerance approach to internal misconduct promotes a positive work environment.

Adhering to the legislative procedures in relation to counter fraud investigation minimises the risk that an individual's Human Rights will be breached. Furthermore it protects the Council from allegations of the same.

**Safeguarding Implications:**

Any safeguarding concerns which become evident during the course of an investigation will be referred to the appropriate body.

**Impact on the Customer:**

Prosecutions will only be considered where the evidential and public interest tests are met with due consideration to the welfare of individuals.

The local authority will only take enforcement action where appropriate to do so with due consideration to older offenders, offenders with disabilities and where the offender lacks mental capacity.

**1.0 INTRODUCTION**

**1.1** The Counter Fraud and Enforcement Unit is tasked with reviewing the Council's Counter Fraud and Anti-Corruption Policy. It is recommended good practice that the Policy is updated and reviewed at least every few years in line with any legislative changes.

**2.0 COUNTER FRAUD AND ANTI-CORRUPTION POLICY**

**2.1** The Council's existing Counter Fraud and Anti-Corruption Policy was developed to reflect (i) latest legislation and (ii) 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** The Policy was last reviewed following the changes brought about by data protection legislation / regulations.

**2.3** The Policy highlights the key legislation and roles and responsibilities of Members, Officers and other parties.

**2.4** The Executive Committee last considered the Policy in October 2019 when it replaced the existing Policy.

**2.5** Attached at Appendix 1 is the updated Counter Fraud and Anti-Corruption Policy. The changes are relatively minor and can be seen as red text.

**2.6** A section has been inserted relating to Money Laundering and Proceeds of Crime and relating to Modern Slavery, detailing the Council's responsibilities.

2.7 The Policy has also been refreshed to reflect the growth of the Counter Fraud and Enforcement Unit work streams and responsibilities relating to risk.

2.8 Awareness will be raised with all staff following the approval of the Policy.

### 3.0 CONSULTATION

3.1 The Policy has been reviewed and agreed by the Head of Finance and Asset Management and One Legal.

3.2 The Audit and Governance Committee considered and endorsed the Policy in July 2022.

### 4.0 ASSOCIATED RISKS

4.1 The Council is required to proactively tackle fraudulent activity in relation to the abuse of public funds.

4.2 Failure to undertake such activity would accordingly not be compliant and expose the authority to greater risk of fraud and/or corruption. If the Council does not have effective counter fraud and corruption controls it risks both assets and reputation.

### 5.0 MONITORING

5.1 Not applicable, the report relates to Policy adoption.

### 6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 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.

6.2 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.

6.3 Counter Fraud and Anti-Corruption Policy.

Whistle Blowing Policy.

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy.

Corporate Enforcement Policy.

Regulation of Investigatory Powers Act 2000 (Surveillance and CHIS) Policy.

Investigatory Powers Act 2016 (Acquisition of Communication Data) Policy.

Use of the Internet and Social Media in Investigations and Enforcement Policy.

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**Background Papers:** Audit and Governance Committee Report – September 2019

Executive Committee Report – October 2019

**Contact Officer:** Head of Service, Counter Fraud and Enforcement Unit  
01285 623000 Email: Emma.Cathcart@cotswold.gov.uk

**Appendices:** 1 – Counter Fraud and Anti-Corruption Policy.

# Counter Fraud and Anti-Corruption Policy



<b>Version Control:</b>	
<b>Document Name:</b>	Counter Fraud and Anti-Corruption Policy
<b>Version:</b>	2
<b>Responsible Officer:</b>	Emma Cathcart, Counter Fraud and Enforcement Unit
<b>Approved by:</b>	Executive / Cabinet
<b>Next Review Date</b>	May 2025
<b>Retention Period:</b>	N/A

## Revision History

Revision date	Version	Description
August 2019	1.1	Update following changes to data protection legislation
May 2022	2	Review and Update

## Consultees

Internal	External
CFEU Lead	
One Legal / Legal Services	

## Distribution

Name	
All Staff	

# 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 Member. 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, Head of Service or equivalent Senior Officer has a duty to immediately notify the Section 151 Officer and the Monitoring Officer, who shall take steps as the consider necessary by way of investigation and report'. Furthermore the Financial Rules also state that each Director, Head of Service or equivalent Senior Officer is responsible for 'notifying the Section 151 Officer and the Chief Audit Executive 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.
- 1.7. The Council is committed to the highest possible standards of openness, probity, honesty, integrity and accountability. The Council expects all Officers, Members 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.

# Counter Fraud and Anti-Corruption Policy

## 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.

### 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

# Counter Fraud and Anti-Corruption Policy

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 Monitoring Officer, Section 151 Officer or Chief Audit Executive. 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 Money Laundering and Proceeds of Crime Legislation. These responsibilities are adhered to in line with the Council's Proceeds of Crime and Anti-Money Laundering Policy and the related Procedures. The Council is required to have a designated Officer for money laundering reporting purposes.**

2.9 Both Financial and Legal Officers working for the Council also have their own professional guidance in relation to money laundering which places a duty on them 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 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 (or equivalent) and the Members Code of Conduct. **Offers of or the 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.

# Counter Fraud and Anti-Corruption Policy

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 Chief Audit Executive.

## 2.13. MODERN SLAVERY

Modern Slavery takes a number of forms but all relate to the illegal exploitation of people for personal or commercial gain. The Council recognises its responsibilities as outlined within the legislation and is committed to promoting transparency in supply chains to prevent modern slavery and to take appropriate action to identify and address those risks.

## 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.
- Members.
- 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, Members, Officers, managers and policy makers).

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 Members and Officers clear instructions or guidance for

# Counter Fraud and Anti-Corruption Policy

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 Members 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. Members 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.
- 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 Officers 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. The Council is committed to assisting the Police in fighting Serious and Organised

# Counter Fraud and Anti-Corruption Policy

crime and will implement measures and share data to ensure the Council is not engaging with organised crime gangs when procuring goods and services.

- 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
<b>Head of Paid Service / Chief Executive</b>	Ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.
<b>Chief Finance Officer (Section 151 Officer)</b>	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.
<b>Monitoring Officer</b>	To advise Members and Officers on ethical issues, conduct and powers to ensure that the Council operates within the law and statutory Codes of Practice.
<b>Audit Committee/ Audit and General Purposes Committee / Audit and Governance Committee</b>	To receive formal assurance from an appropriate representative at meetings and an annual opinion report in relation to the Council's control measures and counter fraud activity.  The Audit Committee also receives assurance from external audit on the Council's Annual Accounts and Annual Governance Statement.
<b>Councillors / Members</b>	To comply with the Members Code of Conduct and related Council policies and procedures.  To be aware of the possibility of fraud, corruption, bribery and theft and to report any genuine concerns to the Chief Audit Executive.
<b>External Audit / Internal Audit</b>	Has a duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, corruption, bribery and theft.  Has powers to investigate fraud and the Council may invoke this service.

# Counter Fraud and Anti-Corruption Policy

OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
<p><b>Counter Fraud and Enforcement Unit</b></p>	<p>Responsible for assisting the development and implementation of the Counter Fraud and Anti-Corruption Policy. The Counter Fraud Unit 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> <p>Reporting to the appropriate Senior Officer(s) (Section 151 Officer, Monitoring Officer, Chief Audit Executive) with regard to the progress and results of investigations.</p> <p>Reporting annually to the Audit Committee on proven frauds.</p>
<p><b>Counter Fraud Provision / Services</b></p>	<p>To proactively deter, prevent and detect fraud, corruption, bribery and theft within or against the Council.</p> <p><b>To work on behalf of charities, Social Housing Providers and other organisations to proactively deter, prevent and detect fraud, bribery, corruption and theft for the benefit of local residents and the public purse.</b></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) <b>and the Investigatory Powers Act 2016</b> – this is applicable when undertaking criminal investigations only.</p> <p>To comply with Data Protection Legislation (and the General Data Protection Regulations) when obtaining or processing personal data.</p>

# Counter Fraud and Anti-Corruption Policy

OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
	<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 <b>Corporate Enforcement Policy</b>. <b>To include prosecutions on behalf of Social Housing Providers, Charities, and other organisations where it is in the public interest and for the benefit of the local residents.</b></p> <p>To prepare Witness Statements and prosecution paperwork for the Council's Legal Department.</p> <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 Members and Officers.</p> <p>To publicise successes where appropriate.</p>
<b>Human Resources</b>	<p>To report any suspicions of fraud, corruption, bribery or theft to the Section 151 Officer, Monitoring Officer or Counter Fraud representative 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 <b>in accordance with the HR Vetting and Recruitment Fraud Risk Report</b>.</p>
<b>Strategic Directors, Heads of Service, Service Managers or equivalent Senior Officers</b>	<p>The primary responsibility for maintaining sound arrangements to prevent and detect fraud and corruption rests with management.</p> <p>To promote 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

OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
<b>Staff / Employees / Officers</b>	<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. Officers may report suspicions as detailed below.</p> <p>Referrals can also be made in confidence in accordance with the Council's Whistleblowing Policy.</p>
<b>Public, Partners, Suppliers, Contractors and Consultants</b>	<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 Officers.
- Effective ICT security standards and usage policies.
- The application of appropriate sanctions and fines as detailed below.

7.3 The existence of an effective Counter Fraud Team is a prime deterrent for fraud and corruption. Counter Fraud Officers and the Internal Audit Team analyse and identify potential areas at risk of fraudulent abuse with the assistance of the Council's Corporate Management, 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.

### 7.5 PREVENTION

The Council will strengthen measures to prevent fraud **ensuring consideration of the Fraud Risk Strategy, associated documents and fraud risk register**. Counter Fraud Officers will work with management and policy makers to ensure new and existing systems, procedures and policy initiatives consider any possible fraud risks. Any

# Counter Fraud and Anti-Corruption Policy

internal 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 **as set out within the HR Vetting and Recruitment Fraud Risk Report**. 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 Counter Fraud Officers (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 The Council is legislatively required to participate in a national data matching exercise; the National Fraud Initiative (NFI). 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 within the authority 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, Members 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 a senior representative within the Human Resources Department for guidance and further action.

## 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 Legislation and the Freedom of Information Act 2000 as appropriate.

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

# Counter Fraud and Anti-Corruption Policy

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 communications data when conducting an investigation. This is permissible however; the Council must adhere to the Investigatory Powers Act 2016 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 written procedures.

7.17 **The Counter Fraud and Enforcement Unit Officers adhere to the appropriate legislation when investigating irregularities and allegations of fraud. This includes 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.

## 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 and Counter Fraud Officers 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 Members 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

# Counter Fraud and Anti-Corruption Policy

any irregularities, or suspected irregularities to their Line Manager and if this is not appropriate then to a Counter Fraud representative.

- 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 Whistle-Blowing Policy.
- 8.4 If the informant is a member of the public or external contractor, they can contact a Counter Fraud Officer 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 Member or a Council employee) must refer the matter to a Counter Fraud representative within the Council, 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 Cabinet 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.
- 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 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 and Social Care 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).
  - **Social Housing Providers and Charitable Bodies**
- 8.10 **As detailed within this document and the Council's Whistle Blowing Policy, any concerns or suspicions reported will be treated with discretion and in confidence. Referrals can be made in confidence to the Counter Fraud and Enforcement Unit at [fraud.referrals@cotswold.gov.uk](mailto:fraud.referrals@cotswold.gov.uk) who work on behalf of Cheltenham and Tewkesbury**

# Counter Fraud and Anti-Corruption Policy

Borough Councils and Cotswold, Forest of Dean and West Oxfordshire District Councils. Concerns can also be raised via Internal Audit.

## 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.
- Corporate Enforcement (Prosecution) Policy.
- **Proceeds of Crime and Anti-Money Laundering Policy.**
- Recruitment and Selection Processes.
- **RIPA / IPA Policies, Procedures and Guidance.**
- Financial Rules.
- Contract Rules or equivalent.
- Fair Processing Statement.
- Disciplinary Procedure.

## 10. POLICY REVIEW

- 10.1. The appropriate department will review and amend this policy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council in consultation with the Council's Chief Finance Officer, the Legal Department and Members.
- 10.2. Review frequency as required by legislative changes / every three years.

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	31 August 2022
<b>Subject:</b>	Proposal to Implement a Public Space Protection Order - Dog Control
<b>Report of:</b>	Principal Environmental Health Officer
<b>Head of Service/Director:</b>	Head of Community Services
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	Four

**Executive Summary:**

This report summarises the findings from a dog-related Public Spaces Protection Order consultation undertaken in May and June 2022. Informed by the consultation, it proposes the Dog-Related Public Spaces Protection Order 2022 to replace the previously expired Public Spaces Protection Order (PSPO). The Order will cover the whole of Tewkesbury Borough and will last for a period of 3 years. It is proposed that the 2022 Order will introduce an offence to allow a dog into a children's playpark which has been designated to exclude dogs, this will include all fenced/ enclosed children's playgrounds.

**Recommendation:**

**That the Executive Committee RECOMMEND TO COUNCIL that the Public Space Protection Order relating to dog control is implemented under S.59 of the Antisocial Behaviour, Crime and Policing Act 2014.**

**Financial Implications:**

The financial implications of re-introducing the PSPO order will be minimal. During the implementation of the PSPO in 2018, stickers were purchased to cover the existing dog fouling signs in the Borough. The authority still has a supply of stickers. A small amount of funding from within existing revenue budgets may be required for signage in children's play areas, though most playparks have signage presently to exclude dogs, which can now be enforced.

**Legal Implications:**

Fixed Penalty Notices will be issued offering the opportunity to discharge liability to conviction where necessary. Prosecutions under the PSPO may be carried out in situations where this is proportionate and in the public interest. All enforcement will be undertaken in line with the Environmental Health Enforcement Policy.

**Environmental and Sustainability Implications:**

Having the Order in place will provide a legal framework to tackle dog fouling in Tewkesbury Borough. Dog fouling is a major concern to many people, not just because of the mess it causes, but because it can be a health risk.

**Resource Implications (including impact on equalities):**

All officers in the Environmental Health Team will be authorised and trained to issue fixed

penalties notices. The Neighbourhood Policing Team are always willing to work closely with the Council regarding enviro-crime and antisocial behaviour (the Police do have enforcement powers under the provisions of the PSPO. However, it is anticipated that the Borough Council will take the lead on enforcement).

Areas that are particularly badly affected by dog fouling will be patrolled, however this will be carried out using existing resources and working with the local Police.

Due to the stigma behind dog fouling, it often happens during the hours of darkness, or when others are not around, so the numbers of fixed penalty notices are typically low, therefore the extra provision in the Order is not likely to have much impact on resources

#### **Safeguarding Implications:**

When taking enforcement action, officers will have regard to the Tewkesbury Borough Council Enforcement Policy which will take into account whether someone has a vulnerability.

The controls will not apply to assistance dogs used by the blind or by persons who lack the physical ability to comply with the requirements of the PSPO.

#### **Impact on the Customer:**

The proposal to introduce the Public Space Protection Order will have a positive impact on the customer as it will allow the authority to effectively deal with preparators allowing their dogs to foul. The PSPO also provides an opportunity to educate and reinforce elements of responsible dog ownership to dog owners.

## **1.0 INTRODUCTION**

- 1.1** Dog fouling is not only unpleasant, but it can also be dangerous, especially to children. Whilst rare, contact with dog excrement can cause toxocariasis, an infection that can lead to dizziness, nausea, asthma and even blindness or seizures.
- 1.2** There are estimated to be more than 8 million dogs producing more than 1,000 tonnes of mess every day in the UK. While most dog owners are caring, responsible individuals, there are still some people who do not clean up after their pets.
- 1.3** A Public Space Protection Order, also known as a PSPO, is a power available to Local Councils under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 1.4** An Order can be used to control certain activities in a specified area if two conditions are met:
  - That the activities have had, or are likely to have, a detrimental effect on those in the locality.
  - That the effect is, or is likely to be, persistent and continuing in nature and is, or is likely to be, such as to make those activities unreasonable and that restrictions are justified.
- 1.5** An Order, as well as meeting the above tests, must be fair, proportionate and consistent with the principles related to public safety and public health to enable dog owners and non-dog owners to enjoy public open spaces. It must be able to be enforceable without having detrimental impact on those that are vulnerable or reliant on assistance from dogs.
- 1.6** The PSPO which is the subject of this report, is intended to provide the Council with enforcement powers to address irresponsible dog control likely to have a detrimental effect on the quality of life to residents or impact on visitors to the area.

- 1.7 Authorised officers enforce the provisions of the PSPO by patrolling and investigating complaints. Fixed Penalty Notices (£100) can be issued for non-compliance and/or prosecution for certain offences at a Magistrates Court (up to £1,000). Officers take a proportionate approach to enforcement, seeking to raise awareness and educate in the first instance.
- 2.0 **PUBLIC SPACE PROTECTION ORDER – DOG CONTROL**
- 2.1 It is proposed that a single Public Space Protection Order (PSPO) for dog control within the Borough is reintroduced.
- 2.2 There were previously two provisions relating to dog fouling under The Public Space Protection (Tewkesbury) Order made in 2018 which lapsed in 2021.
- 2.3 The authority is now proposing to reintroduce the PSPO for dog control but with some minor variations. It is proposed that the PSPO for dog control includes the following provisions –
- 1) **Dog Fouling** (Included on 2018 Order) - Makes it an offence if a person in charge of a dog fails to clean up its faeces. Covering all public places in the Borough. This is defined as any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
  - 2) **Failing to produce a receptacle for picking up dog faeces** (Included on 2018 order) – This would require dog walkers to carry an appropriate receptacle for dealing with the waste that their dog/s produce. This requirement aims to ensure that dog walkers always have the means (i.e. a receptacle) to pick up their dog's faeces.
  - 3) **Dog Exclusion** (New proposal) - Makes it an offence to allow a dog into a children's playpark which have been designated to exclude dogs. This will include all fenced/ enclosed children's playgrounds.
  - 4) **Failure to provide details** (New proposal)– This will make it an offence for anyone who has committed an offence under the Order and who refuses to give their name, address and date of birth when asked by an authorised officer. Equally giving a false or inaccurate name, address or date of birth to an authorised officer will also be considered an offence under the Order.
- 2.4 It is proposed to include the exclusion of dogs from enclosed playparks as this has been something that the public have mentioned on numerous occasions to officers on their patrols as a cause of concern. The risks to children are also much higher from dog faeces as they are much more likely to touch things without knowing what it is.
- 2.5 It is also proposed to include the offence of failing to provide details, as this is something officers have experienced during the previous PSPO duration, and it will assist with achieving more effective enforcement of the PSPO.
- 2.6 The PSPO will cover any place to which the public, or any section of the public, has access for payment or otherwise, as of right or by virtue of express or implied permission (s 74(1) of the Act). This means that the controls will apply to all land in Tewkesbury Borough open to the air including agricultural land.

- 2.7** The controls will not apply to assistance dogs used by the visually impaired or by persons who lack the physical ability to comply with the requirements of the PSPO.
- 2.8** The PSPO will expire after 3 years, prior to which a full review of the controls in place will be carried out and, if necessary, amendments will be made or the Order will be extended for a further 3 years.
- 2.9** A proposed Order can be found at **Appendix 1**, and Area Map covered at **Appendix 2**
- 3.0** **CONSULTATION**
- 3.1** A public consultation was carried during May and June 2022. Full details of the consultation are contained in **Appendix 3**.
- 3.2** In addition, consultation was carried out with Parish Councils, Gloucestershire Constabulary and Gloucestershire County Council Highways.
- 3.3** In total there were 226 responses (207 where residents of Tewkesbury Borough) to the consultation, and the majority of people supported the introduction of the dog control PSPO. Full breakdown of consultation responses can be found at **Appendix 4**.
- 3.4** For the proposal for dog fouling (makes it an offence if a person in charge of a dog fails to clean up its faeces) 206 from 226 supported the suggestion.
- 3.5** For the proposal for failing to produce a receptacle for picking up dog faeces 214 from 226 supported the proposal.
- 3.6** For the proposal to include dog exclusion in children’s playparks (makes it an offence to allow a dog into a children’s playpark which have been designated to exclude dogs) 212 from 226 supported the proposal.
- 3.7** For the proposal to include failure to provide details (this will make it an offence for anyone who has committed an offence under the Order and refuses to or gives fake details to an authorised officer) 214 from 226 supported the suggestion.
- 3.8** It can be concluded from the public consultation that there is general support for all four proposals to be included in the PSPO.
- 3.9** There were a number of comments/questions raised about how the PSPO was going to be enforced. Officers within the Environmental Health Team will undertake patrols of areas that are identified as ‘hot-spots’. Due to RIPA legislation, patrols must take place overtly, with officers clearly visible and identifiable. It is unlikely that people will continue to allow their dogs to foul while officers are present, but it will act as a deterrent. Officers will also investigate reports from the public of people not complying with the PSPO. A Fixed Penalty Notice (FPN) can be served where a witness statement from a member of the public or other supporting agency has been provided.
- 4.0** **ASSOCIATED RISKS**
- 4.1** There are greater risks associated with not introducing the Order, as it leaves Tewkesbury Borough Council with no enforcement powers to tackle dog fouling or control which may be a reputational risk.

**4.2** The nature of dog fouling is that it is an opportunistic crime, and therefore difficult to catch in the act, however this will be mitigated by having all members of the Environmental Health team able to serve Fixed Penalty Notices and by having the support of Gloucestershire Police.

## **5.0 MONITORING**

**5.1** Regular patrols will be carried by Enforcement Officers of areas determined as 'hot-spots'.

**5.2** Records will be kept relating to the number of complaints, Fixed Penalty Notices (FPNs) served and prosecutions undertaken.

## **6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**

**6.1** One of the Council's priorities in the Council Plan is to promote a healthy and flourishing environment in the borough.

**6.2** The issue of land affected by dog fouling is a constant source of frustration and anger to residents. It represents not only a source of odour and contamination that can get on shoes and clothes and be dragged into houses, but also a significant public health concern with the faecal matter containing a range of pathogens.

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**Background Papers:** Local Government Association- Public Spaces Protection Orders- Guidance for Councils [Public Spaces Protection Orders: Guidance for councils | Local Government Association](#)

**Contact Officer:** Principal Environmental Health Officer  
01684 272170      Kathryn.Griffiths@tewkesbury.gov.uk

**Appendices:**

- 1- Proposed PSPO Order.
- 2- Area Map.
- 3- Public consultation.
- 4- Responses to public consultation.

**Proposed Order**

**Tewkesbury Borough Council**

**Anti-Social Behaviour Crime and Policing Act 2014  
Public Spaces Protection Order**



Tewkesbury Borough Council ("The Council") hereby makes the following order.

**Preliminary**

The Council in making this order is satisfied that the failure to remove dog faeces forthwith and incorrect disposal of dog faeces, bagged or otherwise, is a behaviour which is prevalent within Tewkesbury Borough and has a detrimental effect on the quality of life of those in the locality. The Council is also satisfied that the effect, or likely effect of the behaviour is, or is likely to be of a persistent or continuing nature, is unreasonable, and justifies the restrictions imposed by this notice.

**General Provisions**

1. This order shall apply to all land, which is open to the air, within the administrative boundary of Tewkesbury Borough Council (as shown within the red boundary on the attached plan) and to which the public have a right or entitlement to access, whether paid or unpaid.
2. It is an offence for a person, in the absence of a reasonable excuse, to fail to comply with this order. A person found to be in breach of this order may be liable to a fixed penalty notice of up to £100 or on summary conviction a fine, not exceeding level 3, on the standard scale.

**Dog Fouling**

3. If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith.

**Means to pick up dog faeces**

4. A person in charge of a dog on land to which this order applies must have available an appropriate means to pick up dog faeces produced by that dog.

**Disposal of dog faeces**

5. Dog fouling which takes place on land to which this order applies must be disposed of in an appropriate receptacle. An appropriate receptacle is a purpose provided general waste bin or dog waste bin.

**Dogs in enclosed children’s playparks**

- 6. A person in charge of a dog on land to which this order applies must not permit their dog to enter or remain in a fenced/enclosed children’s play area.

**Failure to provide name and address details when asked to do so by an Authorised Officer**

- 7. A person in charge of a dog must provide their name and address when required to do so by an Authorised Officer in relation to the sections above. It will be an offence if they give a false or inaccurate name or address in response to the requirement

**Exemptions**

- 8. The requirements imposed by this order shall not apply to:
  - i. A person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or.
  - ii. A person who has a physical or mental disability which prevents them from being able to comply with this order.

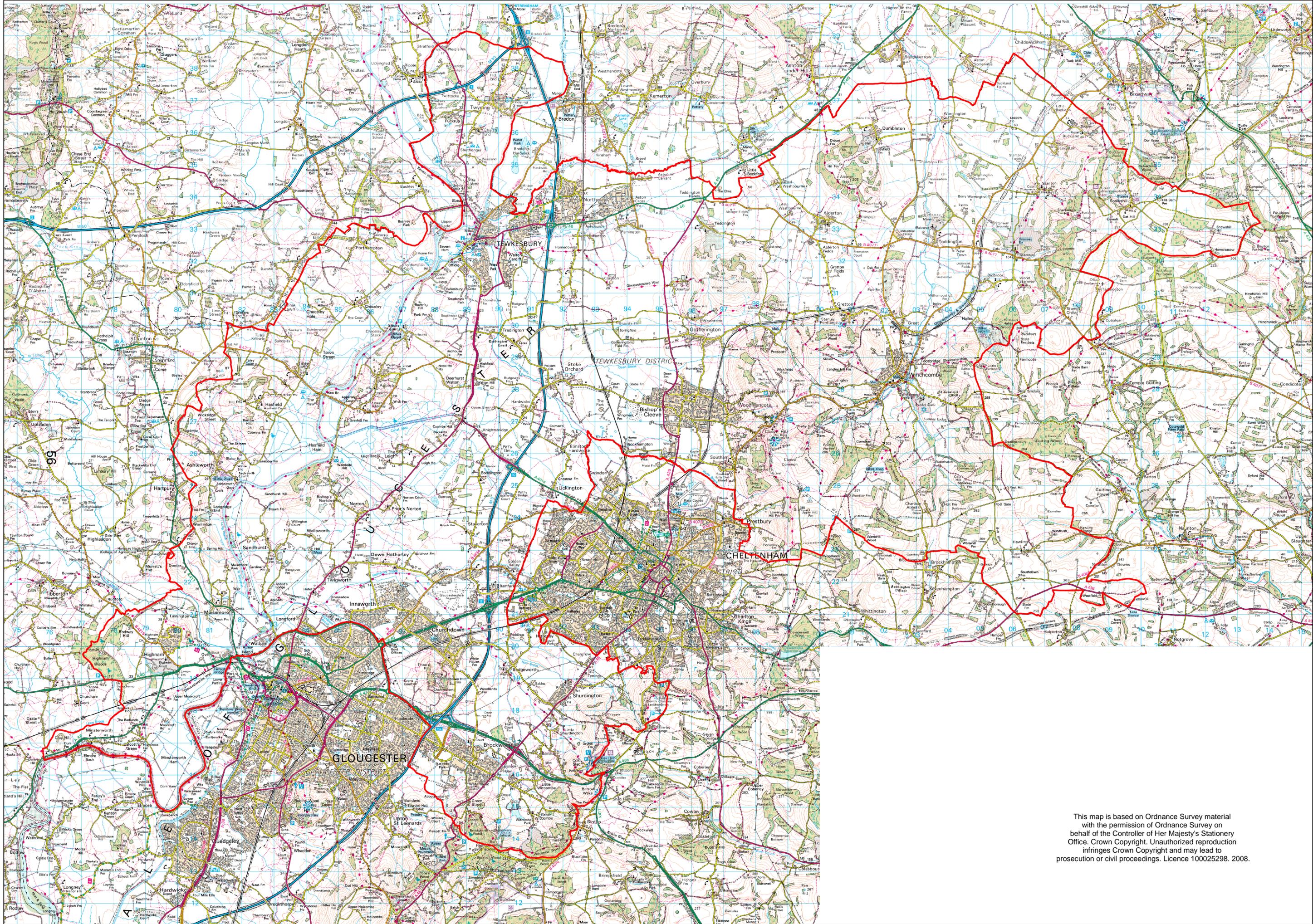
This order shall come into on..... for a period of 3 years from the date of this order unless extended by further orders made under the Council’s statutory powers.

Given under the common seal of Tewkesbury Borough Council on the

..... day of.....2022.

hereby affixed in the presence of:

Peter J Tonge  
Head of Community Services.



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## Appendix 3- Public Spaces Protection Order - Consultation

### TEWKESBURY BOROUGH COUNCIL

#### Public Space Protection Order (PSPO) for Dog Control consultation

Tewkesbury Borough Council are undertaking a consultation on the re-introduction of a Public Space Protection Order (PSPO) for dog control within the Borough.

There were previously two provisions relating to dog fouling under The Public Space Protection (Tewkesbury) Order made in 2018. This order expired in 2021.

The Authority is now consulting on a proposal to re-introduce the PSPO for dog control but with some minor variations. We are proposing to include the following in the new PSPO –

- 1) **Dog Fouling** - Makes it an offence if a person in charge of a dog fails to clean up its faeces. Covering all public places in the Borough. This is defined as any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. (Included on 2018 order)
- 2) **Failing to produce a receptacle for picking up dog faeces** – This would require dog walkers to carry an appropriate receptacle for dealing with the waste that their dog/s produce. This requirement aims to ensure that dog walkers always have the means (i.e. a receptacle) to pick up their dog's faeces. (Included on 2018 order)
- 3) **Dog Exclusion** - Makes it an offence to allow a dog into a childrens playpark which have been designated to exclude dogs. This will include all fenced/ enclosed children's playgrounds. (New proposal)
- 4) **Failure to provide details** – This will make it an offence for anyone who has committed an offence under the order and who refuses to give their name, address and date of birth when asked by an authorised officer. Equally giving a false or inaccurate name, address or date of birth to an authorised officer will also be considered an offence under the order. (New proposal)

**Next steps:** All comments and feedback from the consultation and survey questionnaire will be considered before the PSPO is introduced.

Please follow the link [XXXXXXXX](#) to make comments on the consultation by Friday 3<sup>rd</sup> June 2022

Once a PSPO is implemented it will remain in place for 3 years after which it can be renewed. The PSPO can also be varied at any time within this period.

Please note that a registered blind person, or a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies

upon a dog trained by a prescribed charity for assistance is exempt from the dog fouling order.

If anyone fails to meet the requirements of the PSPO or to comply with a request from a authorised council officer they could be issued with a Fixed Penalty Notice (FPN) of up to £100 or prosecuted.



## Public Space Protection Order (PSPO) for Dog Control Consultation

First / Last name

Interest\*

Under the proposed PSPO the following would be an offence.

Do you agree with the following proposals?

**1) Dog Fouling** - Makes it an offence if a person in charge of a dog fails to clean up its faeces.\*

Yes  No

**2) Failing to produce a receptacle for picking up dog faeces.** – Makes it an offence for a person in charge of a dog not to carry an appropriate receptacle for dealing with the waste that their dog's produce.\*

Yes  No

**3) Dog Exclusion** - Makes it an offence to allow a dog into a childrens playpark which have been designated to exclude dogs.\*

Yes  No

**4) Failure to provide details** – This will make it an offence for anyone who has committed an offence under the order and refuses to or gives fake details to an authorised officer.\*

Yes  No

Any other comments

Max 70 words

Privacy and data protection information: [how we use your information](#)

Submit form

## Appendix 4 Summary of Public Space Protection Order

Total Number of Responses: 226

Q1. In what capacity are you completing this questionnaire? (please tick all that apply)

- A permanent resident within Tewkesbury Borough – **207 (91.6%)**
- A regular visitor to Tewkesbury Borough – **8 (3.5%)**
- Other (please state)- **11 (4.3%) Including Parish Councils, Police etc**

Q2. Dog Fouling - Makes it an offence if a person in charge of a dog fails to clean up its faeces.  
Agree with proposal?

- Yes - **220 (97.3%)**
- No - **6 (2.7%)**

Didn't Answer: **0**

Q3. Failing to produce a receptacle for picking up dog faeces. – Makes it an offence for a person in charge of a dog not to carry an appropriate receptacle for dealing with the waste that their dog's produce.

Agree with proposal?

- Yes – **206 (91.2%)**
- No – **20 (8.8%)**

Q4. Dog Exclusion - Makes it an offence to allow a dog into a childrens playpark which have been designated to exclude dogs.

Agree with proposal?

- Yes – **212 (93.8%)**
- No - **14 (6.2%)**

Q5. Failure to provide details – This will make it an offence for anyone who has committed an offence under the order and refuses to or gives fake details to an authorised officer.

Agree with proposal?

- Yes – **216 (95.6%)**
- No – **10 (4.4%)**