



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Cabinet

Tuesday, 16 May 2017
6.00 pm
Pittville Room - Municipal Offices

Membership	
Councillors:	Steve Jordan, Flo Clucas, Chris Coleman, Rowena Hay, Peter Jeffries, Andrew McKinlay and Roger Whyborn

Agenda

	SECTION 1 : PROCEDURAL MATTERS	
1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING Minutes of the meeting held on 11 April 2017 and 24 April 2017.	(Pages 3 - 8)
4.	PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting	
	SECTION 2 :THE COUNCIL <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
	SECTION 4 : OTHER COMMITTEES <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS	
5.	SURRENDER AND RE-GRANT OF LEASE TO CHELTENHAM SARACENS RUGBY FOOTBALL CLUB(AUTHORITY TO DISPOSE OF OPEN SPACE) Report of the Cabinet Member Finance	(Pages 9 - 16)

6.		APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM BY THE SPRINGBANK NEIGHBOURHOOD FORUM Report of the Cabinet Member Development and Safety	(Pages 17 - 38)
7.		COUNTER FRAUD AND ANTI-CORRUPTION POLICY Report of the Cabinet Member Corporate Services	(Pages 39 - 58)
		SECTION 6 : BRIEFING SESSION • Leader and Cabinet Members	
8.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	
		SECTION 9 : LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS	
9.		LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS The Cabinet is recommended to approve the following resolution:- "That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government Act 1972, namely: Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)	
10.		EXEMPT MINUTES Exempt Minutes of the meeting held on 24 April 2017	(Pages 59 - 60)

Contact Officer: Rosalind Reeves, Democratic Services Manager, 01242 774937
Email: democratic.services@cheltenham.gov.uk

Cabinet

Tuesday, 11th April, 2017

6.05 - 6.25 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), Flo Clucas (Cabinet Member Healthy Lifestyles), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing) and Andrew McKinlay (Cabinet Member Development and Safety)
Also in attendance:	Pat Pratley and Sara Freckleton

Minutes

- 1. APOLOGIES**
Councillor Roger Whyborn.
- 2. DECLARATIONS OF INTEREST**
None declared.
- 3. MINUTES OF THE LAST MEETING**
The minutes of the last meetings held on 24 February and 7 March 2017 were approved and signed as a correct record.
- 4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**
None received.
- 5. PROPOSAL TO IMPLEMENT SOLACE: A PARTNERSHIP TO TACKLE PRIORITY ANTI-SOCIAL BEHAVIOUR**
The Cabinet Member Development and Safety introduced the proposal to implement Solace, a council and police partnership to tackle anti-social behaviour through partner agency working. It would result in more robust services including the use of two police staff to support the work that the council is currently doing who would be based in a hub in the former Tourist Information Centre.

The Cabinet Member Housing welcomed the proposals and with his particular interest in homelessness, the additional support measures that they offered to the most vulnerable in society.

RESOLVED THAT

- 1. the proposal for Cheltenham Borough Council to join the Solace partnership be approved.**

2. **authority be delegated to the Public & Environmental Health Team Leader, in consultation with the Cabinet Member Development & Safety to agree the final implementation plans.**
3. **a briefing note to all Members be circulated setting out further detail regarding implementation, governance and performance monitoring once it becomes available.**

6. RESPONSE TO THE GOVERNMENT WHITE PAPER 'FIXING OUR BROKEN HOUSING MARKET'

The Leader introduced the report which set out a response to the government consultation on the housing white paper setting out their plans to reform the housing market and boost the supply of new homes in England. He highlighted that it was good to see that the direction of travel of the government supported the aims of the JCS. He disagreed with the government proposal for starter homes and this was reflected in the response.

Appendix 2 of this paper contained a list of the consultation questions and proposed answers. The answers given here, if agreed by the other Joint Core Strategy authorities, were likely to form the body of a joint response from the JCS.

The report noted that any responses to the consultation must be made by 11:45pm on 2nd May 2017

The Cabinet Member Healthy Lifestyles requested an amendment to the second paragraph of the response to question 15 with the insertion of the words "or for shared ownership" after "build homes to rent". She felt this was important as it would enable people on middle incomes and young people to have a modicum of home ownership and would enable CBH to provide more affordable homes to rent or buy.

Other Members supported the response and felt the proposed changes to planning would put the council in a better position to provide a five-year supply of housing. However there were concerns that the proposals failed to address the insufficiency of housing and in particular affordable housing. There was also concern that an increasingly large private rented sector was providing very poor quality accommodation or top end leaving housing associations or local authorities to fill the gap.

RESOLVED THAT

the consultation responses set out in Appendix 2 as amended be approved for submission to the government consultation on behalf of Cheltenham Borough Council, and to form part of a joint response where other JCS authorities agree.

7. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Healthy Lifestyles advised that she had signed a letter of behalf of local and regional authorities to European parliament to request changes in the way investments are accounted for.

The Cabinet Member Development and Safety advised that the informal consultation regarding the Cheltenham Local Plan had closed on 20 March 2017. 657 responses had been received and 200 people had attended a consultation event. They were largely positive in their responses although there were some objections to particular developments. All these responses were now being considered.

The Cabinet Member Finance advised that the contract for Tour of Britain had now been agreed. The council had received an invitation to a launch event in Cardiff on 25 April 2017 and would be issuing a media release regarding this event.

The Leader advised that the consultation for the JCS had concluded yesterday. He reminded members that he had called a special Cabinet meeting at 4 p.m. on 24 April 2017 to consider a treasury management matter.

8. CABINET MEMBER DECISIONS SINCE LAST MEETING OF CABINET

Cabinet Member	Decision
Clean and Green Environment	Contract Awards Refuse Vehicles
Corporate Services	Award of Contract for Offsite Print and Mailing
Healthy Lifestyles	Health Inequalities Grants
Development and Safety	Final Notification of Cheltenham Borough Council's Decision in response to BT Public Payphone Removal Consultation
Clean and Green Environment	Crematorium Redevelopment - Preconstruction and Construction Work

Chairman

Cabinet

**Monday, 24th April, 2017
4.00 - 4.10 pm**

Attendees	
Councillors:	Steve Jordan (Leader of the Council), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing), Andrew McKinlay (Cabinet Member Development and Safety) and Roger Whyborn (Cabinet Member Corporate Services)
Also in attendance:	Peter Lewis (Head of Law) and Pat Pratley (Head of Paid Service)

Minutes

1. APOLOGIES

Councillor Clucas had given her apologies.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on the 11 April 2017 would be tabled for approval at the next scheduled meeting (16 May 2017).

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

No public or member questions had been received.

5. BRIEFING FROM CABINET MEMBERS

6. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS

The Head of Legal suggested that paragraphs 3 and 5 applied.

Upon a vote it was unanimously

RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5; Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

7. TREASURY MANAGEMENT MATTER

The Leader introduced the report as circulated with the agenda and members gave consideration to the report.

Upon a vote it was unanimously

RESOLVED that the recommendations, as set out in the report, be approved.

Chairman

Cheltenham Borough Council

Cabinet – 16th May 2017

Surrender and Re-grant of Lease to Cheltenham Saracens Rugby Football Club

(Authority to Dispose of Open Space)

Accountable member	Cabinet Member for Finance, Councillor Rowena Hay
Accountable officer	Head of Property & Asset Management, David Roberts
Ward(s) affected	St. Mark's
Key/Significant Decision	No
Executive summary	<p>The Cheltenham Saracens Rugby Football Club seek permission of the Council to extend the pavilion building owned by the Borough which the Club occupy by way of a lease.</p> <p>The Club provides sports and play opportunities to a wide spectrum of the Borough community and such activity should be encouraged.</p>
Recommendations	<p>That Cabinet RESOLVES</p> <p>1. to dispose by way of lease for a term of 25 years the parcel of open space land outlined in red on the attached plan, Appendix 3, to Cheltenham Saracens Rugby Football Club upon terms and conditions negotiated by the Head of Property & Asset Management and at an annual rent he considers to represent the best that can reasonably be obtained.</p> <p>2. to enter into such documents as the Borough Solicitor deems necessary or desirable to reflect the terms negotiated by the Head of Property and Asset Management</p>
Financial implications	<p>As there are no current plans to increase the lease value, the only financial implication is that the lease will in effect restart so therefore the lease will continue for 25 years compared to the 7 years remaining on the current lease. Therefore, this ensures that this council will continue to receive monies for this open space for a longer period of time. As it is a full maintenance and repair lease, there will be no cost implications on the council.</p> <p>Contact officer: Andrew Knott , Andrew.knott@cheltenham.gov.uk, 01242 264121</p>

Legal implications	<p>The Council is under a statutory obligation under section 123 of the Local Government Act 1972 to secure the best consideration reasonably obtainable when granting a lease for more than 7 years.</p> <p>In addition, where the property is public open space the Council must advertise the proposed disposal for 2 consecutive weeks in a local newspaper and consider relevant objections.</p> <p>Contact officer: Rose Gemmell, rose.gemmell@tewkesbury.gov.uk, 01684 272014</p>
HR implications (including learning and organisational development)	<p>Not applicable.</p> <p>Contact officer: , @cheltenham.gov.uk, 01242</p>
Key risks	<p>That the Club may fail to complete the works, or that the works are not completely satisfactorily.</p> <p>At lease end the premises may not be returned to the Borough in an appropriate condition.</p>
Corporate and community plan Implications	<p>The application by Cheltenham Saracens Rugby Football Club contributes to the Council's corporate objectives of:</p> <p>Being able to lead a healthy lifestyle</p> <p>The enjoyment of a strong sense of community</p>
Environmental and climate change implications	<p>None.</p>
Property/Asset Implications	<p>As outlined in this report.</p> <p>Contact officer: David Roberts@cheltenham.gov.uk</p>

1. Background

- 1.1 Cheltenham Saracens Rugby Football Club “the Club” under a lease granted in 2009 for a term of 15 years from the Borough has had beneficial occupation of land and premises at King George V Pavilion. Prior to occupation the main pavilion required substantial refurbishment to bring the building up to an acceptable standard and the Club agreed to carry out these works as a condition of the lease. The Club has substantially increased its membership and has undertaken further improvements to the pavilion to provide a better environment for its membership, refer to Appendix 2.
- 1.2 The Club now wishes to extend the front area of the building to increase the social facilities, incorporate a disabled lift and create a secure store at ground level for playing and training equipment.
- 1.3 King George V Pavilion and the playing surface form part of the Council's Open Space, and decision to grant a lease of Open Space must first be advertised for 2 consecutive weeks as a 'Disposal of Open Space' pursuant to Section 123 2A of the Local Government Act 1972 in the Public Notice section of a local newspaper and any comments raised are to be considered before any final decision can be made whether to dispose of the Open Space.
- 1.4 The advertisement was placed in the Gloucestershire Echo 18th and 25th January and it has been confirmed by One Legal that no representations were made.

2. Reasons for recommendations

- 2.1 The pavilion has been let to the Club since 2009 and it has undertaken a number of improvements and repairs to the leased area. Granting a lease for a new term of 25 years will give the club certainty and the ability to access charitable funding from various sources.
- 2.2 Granting the lease on full repairing terms will reduce the amount of officer time spent managing contractors to carry out minor repairs and maintenance such as re-fixing gutters and graffiti caused by petty vandalism.
- 2.3 Subject to the appropriate consultation process and grant of any planning permissions the Club, as part of the new lease shall be permitted to extend the existing premises and to install floodlighting to the designated pitch area to enhance the appeal of the Club's facilities.

3. Alternative options considered

- 3.1 The Borough could consider agreeing to permit the Club to extend the premises, subject to appropriate consents, but retain the current lease terms. This could lead to a lack of clarity as to which party held responsibility for the maintenance and upkeep of the exterior and further complicate service charge administration, resulting in additional officer time cost.

4. Consultation and feedback

- 4.1 Ward Councillors have been advised to the proposal and no objections have been received.

5. Performance management –monitoring and review

- 5.1 Property & Asset Management in consultation with the Borough Solicitor will execute the lease.

Report author	Contact officer: simon.hodges@cheltenham.gov.uk, 01242-775148
Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Existing Lease Plan3. Proposed New Lease Plan (incorporating extension)
Background information	<ol style="list-style-type: none">1. None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	The Club may undertake to carry out the extension but be unable to complete the works, leaving the Council with a part finished project.	Simon Hodges	16/03/2017	5	1	5	Accept	Appropriate warranties to be put in place to ensure the Council is not exposed to cost-risk	16/03/2017	Simon Hodges	
	At lease end the premises may not be returned to the Borough in the appropriate condition.	Simon Hodges	6/03/2017	2	2	4	Accept & monitor	Appropriate warranties to be put in place to ensure the Council is not exposed to cost-risk.	16/03/2017	Simon Hodges	

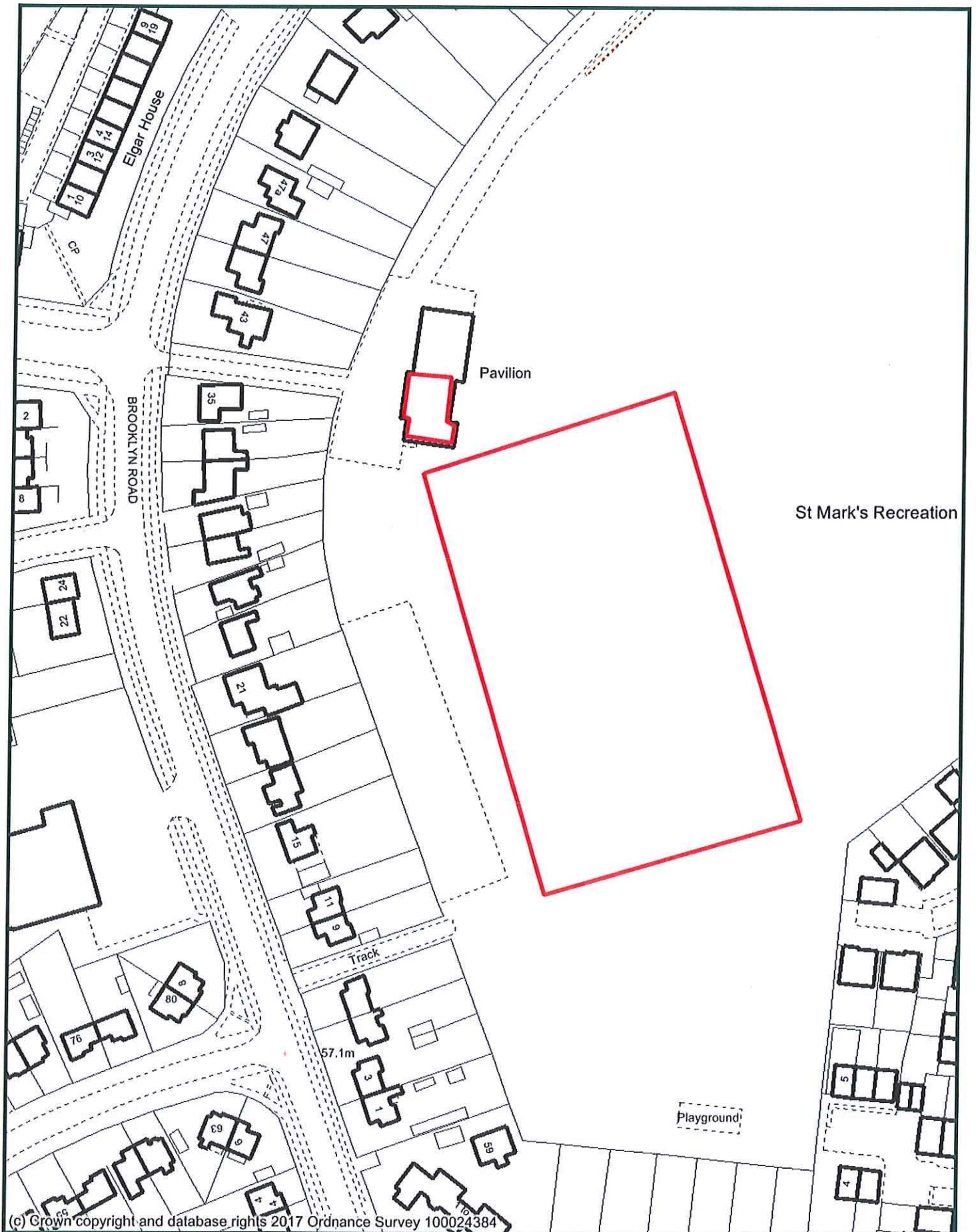
Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

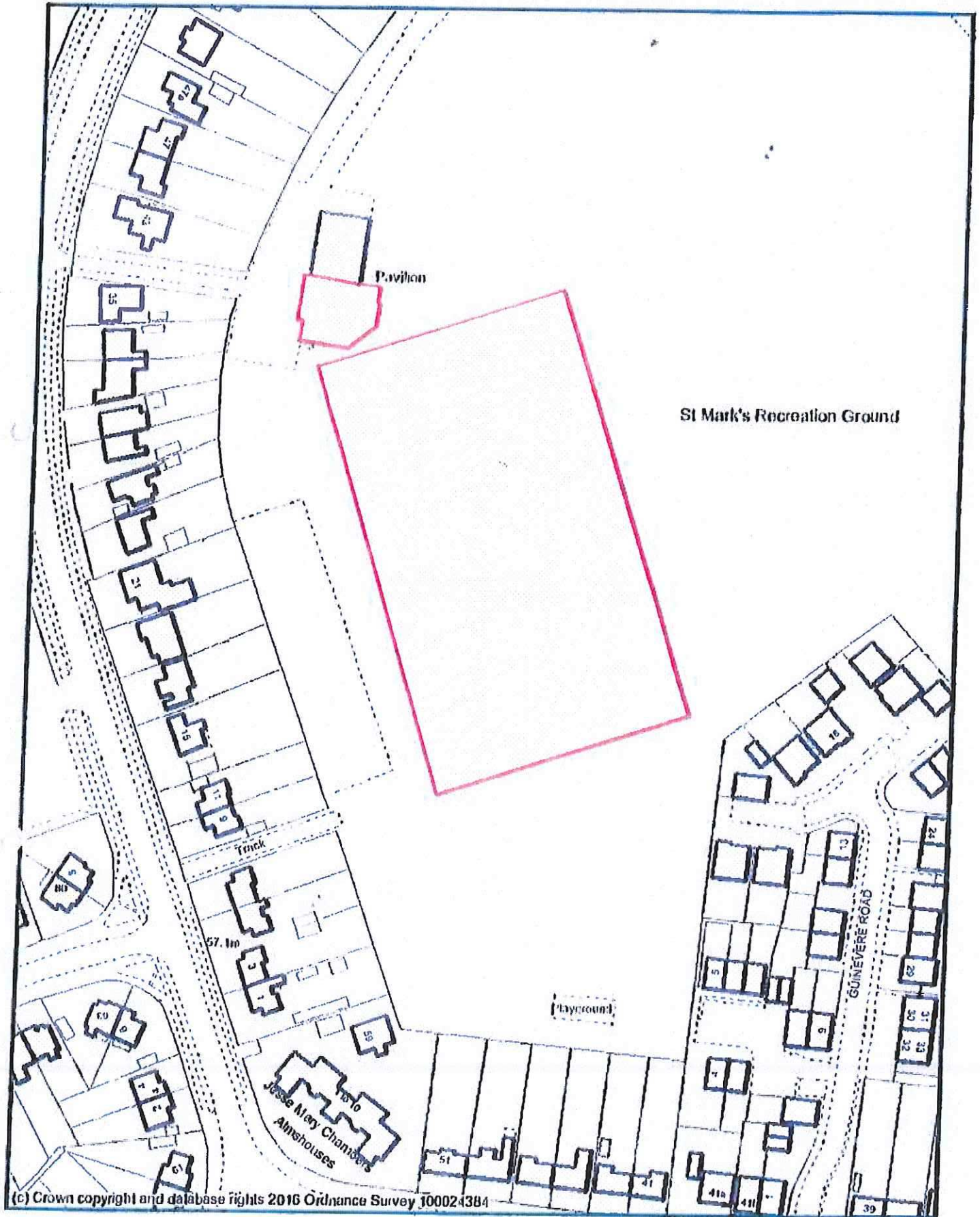
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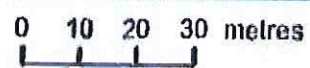
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APPENDIX 3 : PROPOSED NEW LEASE PLAN WITH EXTENSION.



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1:1250

07 December 2016



**Application for designation of a Neighbourhood Area and
Neighbourhood Forum by the Springbank Neighbourhood Forum**

Accountable member	Councillor McKinlay – Lead Member for Local Development Plan
Accountable officer	Tracey Crews – Director of Planning
Ward(s) affected	Springbank
Executive summary	<p>Cheltenham Borough Council has a statutory duty to advise or assist communities in the preparation of Neighbourhood Development Plans (NDP). The Localism Act 2011 sets out the Local Planning Authority's (LPA) responsibilities including designating Neighbourhood Plan Areas by inserting provisions into the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>An application to designate a neighbourhood plan area and designate the Springbank Neighbourhood Forum as the neighbourhood forum for that area has been received. This application has been assessed against the requirements set out in the legislation and is considered to meet the requirements to enable designation of the neighbourhood area and of the neighbourhood forum. The Council's Neighbourhood Planning Protocol has been used to guide officers in assessing the application.</p> <p>Approval of this application enables the Springbank Neighbourhood Forum to prepare a NDP for the area covered by the designation.</p>
Recommendations	<ol style="list-style-type: none"> 1. To approve the designation of the Springbank Neighbourhood Forum area (the current Springbank Ward) for the purpose of preparing a Neighbourhood Development Plan. 2. To approve the designation of the Springbank Neighbourhood Forum as neighbourhood forum as defined by the Localism Act 2011.

<p>Financial implications</p>	<p>Additional financial contributions are available from DCLG to support Neighbourhood Planning. This is in recognition of the legal obligations placed upon the Council to provide advice and support to those seeking to introduce a Neighbourhood Development Plan (NDP). This advice and support also includes arranging for the examination of the NDP and the referendum on the NDP. The Council may submit claims to the DCLG to cover the expenditure within the set limits. At present a local authority may submit claims of up to £30,000 for each completed NDP for consideration by the DCLG, made up of £20,000 once they have set a date for a referendum following a successful examination; £5,000 for the first five neighbourhood areas designated and £5,000 for the first five neighbourhood forums designated.</p> <p>There will be resource implications for Officers due to the requirement to provide some assistance and advise communities in the preparation of a Neighbourhood Plan; checking a submitted Plan meets legal requirements, arranging for the independent examination of the Plan; determining whether the Neighbourhood Plan meets the basic conditions and other legal requirements, arranging a referendum, and, subject to the results of the referendum, bringing the Plan into force.</p> <p>Appropriate claims to the DCLG will need to be made to ensure the additional cost burden to the Council is mitigated.</p> <p>Contact officer: Sarah Didcote, Business Partner Manager sarah.didcote@cheltenham.gov.uk, 01242 264125</p>
<p>Legal implications</p>	<p>This work is pursuant to Sections 61G and 61H of the Town and Country Planning Act 1990 as inserted by the Localism Act 2011 and applied by Section 38C of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015.</p> <p>Contact officer: Nick Jonathan, nick.jonathan@tewkesbury.gov.uk, 01684 272032</p>
<p>HR implications (including learning and organisational development)</p>	<p>Officers are working closely with the neighbourhood forum. Officer resources will be programmed as appropriate.</p> <p>There are no Trade Union implications.</p> <p>Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 777249</p>
<p>Key risks</p>	<p>Local authorities are required to provide assistance to parish councils and neighbourhood forums in the neighbourhood planning process. They must take decisions as soon as possible and within statutory time periods. If the Council does not act constructively and make decisions on time then there is a risk that it will fail its statutory duties.</p>

<p>Environmental/Social/Equality Implications</p>	<p>There are no known implications at this stage; however a neighbourhood development plan may require a strategic environmental assessment (SEA) under the EU Regulations and/or a Habitat Regulations Assessment (HRA). This will depend on the content of the neighbourhood plan.</p> <p>Preparation of Neighbourhood Development Plans could have implications for biodiversity, habitats, energy usage, waste and recycling and/or protected species. These would need to be considered by the body preparing the Plan as appropriate.</p> <p>The responsibility resides with the authorised body however the Borough Council may wish to support the authorised body to undertake a SEA/HRA screening of draft plans to determine whether a SEA and/or HRA will be required.</p>
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1. Background

- 1.1 The planning system helps decide what gets built, where and when. It is essential for supporting economic growth, improving people’s quality of life, and protecting the natural environment. The Government’s intention is to give local communities a greater say in planning decisions by providing the opportunity to prepare a ‘Neighbourhood Development Plan’, also known as a Neighbourhood Plan (NP).
- 1.2 Neighbourhood planning was introduced through the Localism Act 2011 with specific legislation the *Neighbourhood Planning (General) Regulations 2012* and subsequently amended by the *Neighbourhood Planning (General) Regulations 2015* came into force in April 2012 and February 2015 respectively. The report will refer to these as “the 2012 Regulations”.
- 1.3 NPs are a statutory community-led framework for guiding the future development and growth of an area. NPs relate to the use and development of land and associated social, economic and environmental issues. NPs can establish general planning policies for the development and use of land in a neighbourhood, for example where new homes and offices should be built and what they should look like. The NP can be detailed or general, depending what local people want. However, NPs still need to meet the needs of the wider area, which will be set out through the Joint Core Strategy and the Cheltenham Plan.
- 1.4 NPs will be subject to full public engagement, examination and a public referendum. Once adopted a NP will form part of the statutory development plan (along with the Joint Core Strategy and Cheltenham Plan), which is used for guiding decisions on planning applications.
- 1.5 The presumption is that local authorities will designate neighbourhood areas on existing parish boundaries unless there is a valid planning reason not to do so. In non-parished areas, community and business groups can apply as long as they are able to demonstrate that they qualify as a relevant body and that its neighbourhood area/boundaries are justified. They will be classified as a neighbourhood forum. There are specific rules associated with running a forum.
- 1.6 This is the second application the Borough has received to designate a neighbourhood forum in the west of Cheltenham. The first application, submitted by the West Cheltenham Neighbourhood Forum, was consulted on in September and October 2016 and refused by Cabinet on 13th December 2016. The reasons for refusal were:

The Council considers that the submitted forum application has been made for an area which is not appropriate as a neighbourhood area. The area cuts across ward boundaries and includes a number of separate communities, which would reduce community cohesion.

The Council considers that because the area applied for is not agreed as constituting an appropriate area, the membership of the applied for forum cannot be found to comply with Section 61F(5) of the Town and Country Planning Act 1990 part (c); having a membership of "a minimum of 21 individuals each of whom lives in the neighbourhood area concerned"

- 1.7** The current application differs from the previous application in several key ways. Firstly, it has been submitted by a different organisation (Springbank Neighbourhood Forum). Secondly, the current application area follows the boundary of the Springbank ward whereas the previous application included Springbank ward as well as Hesters Way ward and the majority of St. Mark's and St. Peter's wards.
- 1.8** Local Planning Authorities have a statutory duty to advise or assist communities in the preparation of NPs and to take Plans through a process of independent examination. The Council's responsibilities include:
- Designating the area of the NP;
 - Designate neighbourhood forums;
 - Advising or assisting communities in the preparation of a Neighbourhood Plan;
 - Checking a submitted Plan meets legal requirements;
 - Arranging for the independent examination of the Plan;
 - Determining whether the NP meets the basic conditions and other legal requirements;
 - Arranging a referendum to ensure that the local community has the final say on whether a NP comes into force in their area; and
 - Subject to the results of the referendum, bringing the Plan into force.

2. Process for designation of a neighbourhood area

- 2.1** The 2012 Regulations specify that the following must be submitted by the relevant body:
- A map identifying the proposed Neighbourhood Area (Regulation 5(1)(a));
 - A statement explaining why the area is appropriate to be designated as a Neighbourhood Area (Regulation 5(1)(b)); and
 - A statement explaining that the body making the area application is capable of being a relevant body (Regulation 5(1)(c)).
- 2.2** Prior to the Council determining the application the Council is required to publicise the application for a period of not less than six weeks to invite representations on the proposal. The application is required to be publicised on the Borough Council's website and in any other such manner as is considered likely to bring the application to the attention of people who live, work or carry out business in the area to which the application relates.
- 2.3** The Local Authority is required to determine this application within thirteen weeks of first being publicised having regard to the following matters set out in Sections 61G and 61H of the Town and Country Planning Act 1990 and the 2012 Regulations (as amended):
- 1) Is the organisation making the application a relevant body?
 - 2) Is the area identified for designation as a Neighbourhood Area considered appropriate?

- 3) Would the area more appropriately be designated as a business area i.e. the area is wholly or predominantly in business use?
- 4) Does the area overlap with another designated area?
- 5) Any comments received during the public consultation.

3. Process for designation of a neighbourhood forum

3.1 The 2012 Regulations (as amended) specify that the following must be submitted by the relevant body as part of an application for designation of a neighbourhood forum:

- The name of the proposed neighbourhood forum;
- A copy of the written constitution of the proposed neighbourhood forum;
- The name of the neighbourhood area to which the application relates and a map which identifies the area;
- The contact details of at least one member of the proposed neighbourhood forum to be made public in regulations 9 and 10; and
- A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

4. Springbank Neighbourhood Forum Application

4.1 An application to designate a neighbourhood plan area and designate the Springbank Neighbourhood Forum as the neighbourhood forum for that area was accepted on 28th March 2017. The application must be determined before the 27th of June 2017.

4.2 Consultation on the application began immediately and ran for six weeks until 9th May 2017. The application was published on the Council's website (www.cheltenham.gov.uk/info/1004/planning_policy/1155/neighbourhood_plans) and was made available in the following locations:

- Municipal Offices; Charlton Kings Library; Cheltenham Library; Hesters Way Library and Community Resource Centre; Prestbury Library; Up Hatherley Library; Bishop's Cleeve Library; Springbank Community Resource Centre, Cheltenham West End Partnership Community Resource Centre; and Oakley Community Resource Centre.

4.3 The application has been considered and assessed against the matters set out in sections two and three:

- 1) The Springbank Neighbourhood Forum qualifies as a relevant body to make an application (see Appendix 2 for the criteria set out in section 61F of the 1990 Act and section 8 of the 2012 regulations);
- 2) The area proposed to be designated does not include any parish or any organisation currently seeking to be designated and there are no other designated areas that overlap with the proposed area;
- 3) The area proposed for designation cannot be described as being wholly or predominantly in business use and, therefore, it would be inappropriate to designate the area as a business area;
- 4) The area proposed is supported by a statement explaining why the area is considered

appropriate.

4.4 At the time of writing 10 representations have been received in respect of this designation. All of the representations are in support of the application. The majority of the comments see the Springbank Neighbourhood Forum as offering local people the opportunity to have more of an input into West Cheltenham JCS Strategic Allocation (see appendix 5).

4.5 On the basis of these points raised above, officers can see no planning reason to object to this application. Officers recommend the designation should be approved and the Forum should be enabled to continue to produce their neighbourhood plan.

5. Relevant Council Policies and Strategies

5.1 The following plans are considered relevant:

- Cheltenham Borough Council Local Plan, Second Review (adopted July 2006)
- Joint Core Strategy: Submission version (November 2014)
- Joint Core Strategy Main Modifications (February 2017)
- Emerging Cheltenham Plan (part one). Preferred Options consultation: February to April 2017

6. Alternative options Considered

6.1 The neighbourhood area application process is a statutory requirement, so for this reason there is no suitable alternative to its approval. Sign-off has been delegated to Cabinet as per the Council's Neighbourhood Planning Protocol adopted on 14th December 2015.

7. Consultation and feedback

7.1 The prescribed date for determining an area application is thirteen weeks from the date immediately following that on which the application is first publicised.

8. Performance management –monitoring and review

8.1 The main consideration for the Council is to ensure it carries out its duty to determine the application within eight weeks of the application first being publicised. This has been achieved.

Report author	Contact officer: John Rowley, Senior Planning Policy Officer John.rowley@cheltenham.gov.uk, 01242 774928
Appendices	1. Risk Assessment 2. Neighbourhood Planning Criteria 3. Application for Designation of a Neighbourhood Plan Forum and Area 4. Springbank Neighbourhood Forum Constitution 5. Consultation Representations
Background information	All background information regarding the application will be made available on the Council's website.

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Local authorities are required to provide assistance to parish councils and neighbourhood forums in the neighbourhood planning process. They must take decisions as soon as possible and within statutory time periods. If the Council does not act constructively and make decisions on time then there is a risk that it will fail its statutory duties.	Tracey Crews	26.4.17	2	2	4	Accept	None	N/A	John Rowley	N/A if the recommendations of this report are agreed.
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Extract from The Town and Country Planning Act 1990 as amended**61F Authorisation to act in relation to neighbourhood areas**

- (1) For the purposes of a neighbourhood development order, a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council.
- (2) If that neighbourhood area also includes the whole or any part of the area of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area only if the other parish council have given their consent.
- (3) For the purposes of a neighbourhood development order, an organisation or body is authorised to act in relation to a neighbourhood area if it is designated by a local planning authority as a neighbourhood forum for that area.
- (4) An organisation or body may be designated for a neighbourhood area only if that area does not consist of or include the whole or any part of the area of a parish council.
- (5) A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions—
 - (a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),
 - (b) its membership is open to—
 - (i) individuals who live in the neighbourhood area concerned,
 - (ii) individuals who work there (whether for businesses carried on there or otherwise), and
 - (iii) individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
 - (c) its membership includes a minimum of 21 individuals each of whom—
 - (i) lives in the neighbourhood area concerned,
 - (ii) works there (whether for a business carried on there or otherwise), or
 - (iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
 - (d) it has a written constitution, and
 - (e) such other conditions as may be prescribed.
- (6) A local planning authority may also designate an organisation or body as a neighbourhood forum if they are satisfied that the organisation or body meets prescribed conditions.
- (7) A local planning authority—
 - (a) must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have regard to the desirability of designating

an organisation or body—

- (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of sub-paragraphs (i) to (iii) of subsection (5)(b),
 - (ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and
 - (iii) whose purpose reflects (in general terms) the character of that area,
- (b) may designate only one organisation or body as a neighbourhood forum for each neighbourhood area,
 - (c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and
 - (d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the application.

(8) A designation—

- (a) ceases to have effect at the end of the period of 5 years beginning with the day on which it is made but without affecting the validity of any proposal for a neighbourhood development order made before the end of that period, and
- (b) in the case of the designation of an unincorporated association, is not to be affected merely because of a change in the membership of the association.

(9) A local planning authority may withdraw an organisation or body's designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting—

- (a) the conditions by reference to which it was designated, or
- (b) any other criteria to which the authority were required to have regard in making the designation;

and, where an organisation or body's designation is withdrawn, the authority must give reasons to the organisation or body.

(10) A proposal for a neighbourhood development order by a parish council or neighbourhood forum may not be made at any time in relation to a neighbourhood area if there is at that time another proposal by the council or forum in relation to that area that is outstanding.

(11) Each local planning authority must make such arrangements as they consider appropriate for making people aware as to the times when organisations or bodies could make applications to be designated as neighbourhood forums for neighbourhood areas.

(12) Regulations—

- (a) may make provision in connection with proposals made by qualifying bodies for neighbourhood development orders, and
- (b) may make provision in connection with designations (or withdrawals of designations) of organisations or bodies as neighbourhood forums (including provision of a kind mentioned in section 61G(11)(a) to (g)).

(13) The regulations may in particular make provision—

- (a) as to the consequences of the creation of a new parish council, or a change in the area of a parish council, on any proposal made for a neighbourhood development order,
- (b) as to the consequences of the dissolution of a neighbourhood forum on any proposal for a neighbourhood development order made by it,
- (c) suspending the operation of any duty of a local planning authority under paragraph 6 or 7 of Schedule 4B in cases where they are considering the withdrawal of the designation of an organisation or body as a neighbourhood forum,
- (d) for determining when a proposal for a neighbourhood development order is to be regarded as outstanding, and
- (e) requiring a local planning authority to have regard (in addition, where relevant, to the matters set out in subsection (7)(a)) to prescribed matters in determining whether to designate an organisation or body as a neighbourhood forum.

Extract from The Neighbourhood Planning (General) Regulations 2012

Application for designation of a neighbourhood area

6. —(1) Where a relevant body(1) submits an area application to the local planning authority it must include—
- (a) a map which identifies the area to which the area application relates;
 - (b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - (c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
- (2) A local planning authority may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.

Application for designation of a neighbourhood forum

Where an organisation or body submits a neighbourhood forum application to the local planning authority it must include—

- (a) the name of the proposed neighbourhood forum;
- (b) a copy of the written constitution of the proposed neighbourhood forum;
- (c) the name of the neighbourhood area to which the application relates and a map which identifies the area;
- (d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and
- (e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

Neighbourhood Forum and Area Application Form

1. Name of the proposed Neighbourhood Forum

Springbank Neighbourhood Forum

2. Name of the proposed Neighbourhood Area

Springbank (as defined by the Cheltenham Borough Council ward boundary)

3. Primary contact details (these will be made publically available)

The Neighbourhood Planning (General) Regulations 2012 Regulations 8, 9 and 10 requires details of at least one member of the proposed neighbourhood forum to be made public. Contact information provided in this section will be published.

Title	Mr
First name	Adrian
Surname	Kingsbury
Address	76 Henley Road Springbank Cheltenham Glos
Postcode	GL51 0PD
Phone	07789 278863
e-mail	springbankforum@gmail.com

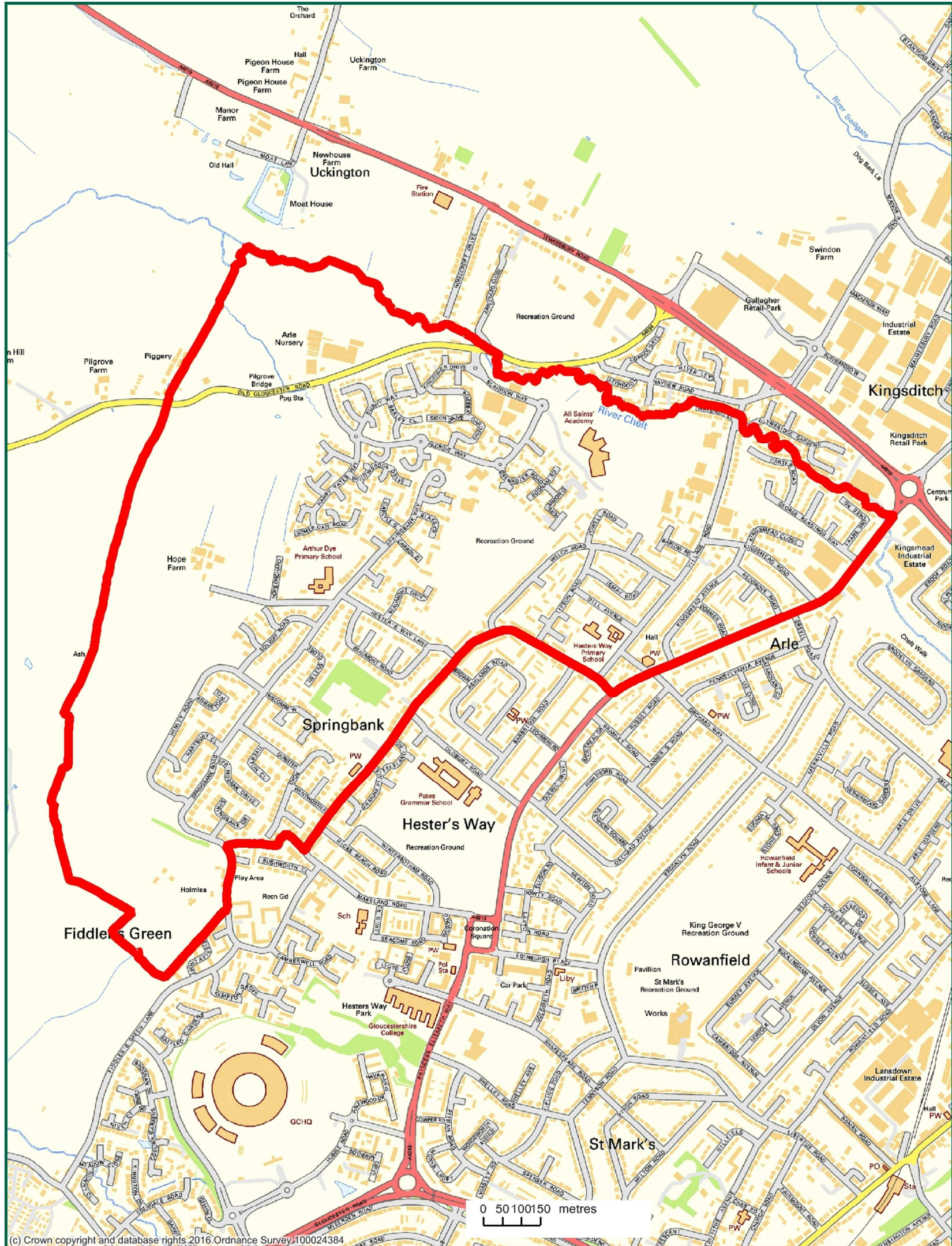
4. List of the proposed forum members and what their interest is (i.e. resident, worker, councillor)

	Name	Resident or Business Address if worker please include the name of	Interest in area		
			Resident	Worker	Council
1	MICHAEL BARNES	8 SOLWAY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LZ	X		
2	DENISE BARNES	8 SOLWAY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LZ	X		
3	PETER JEFFRIES	165 GEORGE READINGS WAY, CHELTENAHM, GL51 0UT	X		X

4	SHARON JEFFRIES	165 GEORGE READINGS WAY, CHELTENAHM, GL51 OUT	X		
5	SUSAN MILLS	38 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
6	ERIC MILLS	38 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
7	LUKE MILLS	32 HAZELDEAN ROAD, CAVENDISH PARK, CHELTENHAM, GL51 0QF	X		
8	BECKY MILLS	32 HAZELDEAN ROAD, CAVENDISH PARK, CHELTENHAM, GL51 0QF	X		
9	CAROL KINGSBURY	76 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X	X	
10	ADRIAN KINGSBURY	76 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
11	SUZANNE WILLIAMS	34 FRANK BROOKES ROAD, CHELTENHAM, GL51 0UW	X		X
12	ANDREW WILLIAMS	34 FRANK BROOKES ROAD, CHELTENHAM, GL51 0UW	X		
13	ANDREW HEGENBARTH	21 WILLOWBROOK DRIVE, CAVENDISH PARK, CHELTENHAM, GL51 0PU	X		
14	REBECCA JONES	80 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X	X	
15	GARY JONES	80 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
16	TERRY JONES	66 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
17	TINA JONES	66 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
18	ROGER HOPKINS	50 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X	X	
19	CAROL HOPKINS	50 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
20	LOURDES LEAL HERNANDEZ	44 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
21	MIGUEL A. ARRAUZ CARRERO	44 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
22	MARGARET HOLT	46 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
23	PETER HOLT	46 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
24	VALERIE TAYLOR	28 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
25	MICHAEL TAYLOR	28 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
26	VANESSA HOPTON	120 GEORGE READINGS WAY, CHELTENHAM, GL51 OUT	X		

27	BARRY HOPTON	120 GEORGE READINGS WAY, CHELTENHAM, GL51 OUT	X	X	
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4. An OS map at an appropriate scale which clearly identifies the proposed Neighbourhood Area

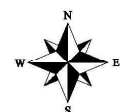


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Springbank Neighbourhood Forum Area

1:9000
16 March 2017



5. A statement explaining why this area is considered appropriate to be designated as a neighbourhood area.

The area is considered appropriate and practical to designate as a neighbourhood area as it covers the Springbank ward administrative area and would work as required to create a plan in conjunction with other wards or adjoining parish or borough councils where such plans may influence or be influenced by these areas.

6. A statement which explains how the proposed Neighbourhood Forum meets the conditions contained in Section 61F(5), Schedule 9 of the Town and Country Planning Act 1990

See attached Springbank Neighbourhood Forum Constitution

7. A brief statement setting out the main intention for establishing the Neighbourhood Forum

The Springbank Neighbourhood Forum has been established to promote the social economic and environmental well-being of the neighbourhood plan area, with specific aims of maintaining the open residential character of the neighbourhood, promote the availability, maintenance and use of green spaces, and encourage the creation of affordable housing where space permits, in a similar low density format complementing the existing neighbourhood area.

8. A copy of the written constitution for the proposed Neighbourhood Forum

See attached Springbank Neighbourhood Forum Constitution

SPRINGBANK NEIGHBOURHOOD FORUM CONSTITUTION

1. Name of Organisation

Springbank Neighbourhood Forum (SNF)

2. Aims

The Forum aims to promote or improve the social, economic and environmental wellbeing and conditions in the Springbank area as shown on the attached plan (the area), particularly through the preparation and implementation of a Neighbourhood Plan.

3. Membership

3.1 The membership of the Forum is open to:

- Individuals who live in the area
- Individuals who work in the area
- individuals elected members of Cheltenham Borough Council and/or Gloucestershire County Council whose ward or division includes the area.

3.2 The Forum must have a minimum membership of 21 individuals, each of whom either

- lives in the area a
- works in the area
- are elected members of Cheltenham Borough Council and/or Gloucestershire County Council whose ward or division includes the area.

3.3 The Forum will strive to have a minimum of one member from each of the three categories in 3.2 above

3.4 The Forum will be as representative as possible of the people who live and work in the area. Thus membership will be drawn from different places in the area and from different sections of the community.

3.5 Membership will begin as soon as the membership form has been received.

3.6 A list of members will be kept by the Membership Secretary.

3.7 Ceasing to be a Member:

3.7.1 Members may resign at any time in writing to the Secretary

3.7.2 Offensive behaviour, including racist, sexist or inflammatory remarks, will not be permitted. Anyone behaving in an offensive way or breaking the equal opportunities policy may be asked not to attend further meetings or to resign from the group if an apology is not given or the behaviour is repeated. The individual concerned shall have the right to be heard by the Committee, accompanied by a friend, before a final decision is made.

4. Equal opportunities

The SNF will not discriminate on grounds of gender, race, colour, ethnic or national origin, sexuality, disability, religious or political belief, marital status or age.

5. Officers and Committee

The business of the Forum will be managed by a Committee.

5.1. The Officers of the Committee will initially be as follows:

Chair

Secretary

Treasurer

Further Officers shall be appointed all the Committee deem necessary

Working Group Leaders and Deputies

5.2 The officers of the Committee (Chair, Secretary, and Treasurer) will be elected at the Annual General Meeting of the Forum.

5.3 In the event of an officer standing down during the year a replacement will be elected by the next General Meeting of members.

5.4 Any Committee member not attending a meeting without apology for three months will be contacted by the Committee and asked if they wish to resign.

5.5 The officers' roles are as follows:

- Chair, who shall chair both general and Committee meetings
- Secretary, who shall be responsible for the taking of minutes and the distribution of all papers
- Treasurer who shall be responsible for maintaining accounts

5.6 The Committee has the power to co-opt up to 5 additional members to ensure maximum feasible representativeness of the people who live and/or work in the area.

5.7 Committee responsibilities:

5.7.1 The overall management of the business of the Forum

5.7.2 Coordinating the work of the Working Groups (Working Groups are referred to in more detail at paragraph 7)

5.7.3 Drafting, agreeing and promoting the implementation of the Springbank Neighbourhood Plan 2017-2031

5.8 Committee meetings

5.8.1 The Committee will meet a minimum of 4 times a year.

5.8.2 The quorum for the Committee will be 5 members

6. Meetings of the Forum

6.1 Annual General Meeting

6.1.1 An Annual General Meeting (AGM) will be held within fifteen months of the previous AGM.

6.1.2 All members will be notified in writing at least 3 weeks before the date of the meeting, giving the venue, date and time.

6.1.3 Nominations of officers for the Committee may be made to the Secretary before the meeting, or at the meeting.

6.1.4 The quorum for the AGM will be 10 members,

6.1.5 At the AGM:

- The Committee will present a report of the work of the SNF over the year.
- The Committee will present the accounts of the SNF for the previous year.
- The officers and Committee for the next year will be elected.
- Any proposals given to the Secretary at least 7 days in advance of the meeting will be discussed

6.2 Special General Meetings

6.2.1 The Secretary will call a Special General Meeting at the request of the majority of the Committee or at least eight other members giving a written request to the Chair or Secretary stating the reason for their request.

6.2.2 The meeting will take place within twenty-one days of the request.

6.2.3 All members will be given two weeks' notice of such a meeting, giving the venue, date, time and agenda. Notice may be by telephone, email or post.

6.2.4 The quorum for the Special General Meeting will be 10 members, whichever is the greater number.

6.3 Rules of Procedure for Committee Meetings, Annual General Meetings and Special General Meetings

6.3.1 All questions that arise at any meeting will be discussed openly and the meeting will seek to find general agreement that everyone present can agree to.

6.3.2 If a consensus cannot be reached, a vote will be taken and a decision will be made by a simple majority of members present. If the numbers of votes cast on each side are equal, the chair of the meeting shall have an additional casting vote.

7. Working Groups

7.1 The Working Groups and their Leaders are established by the Committee.

7.2 A Working Group will comprise a minimum of 2 people from the Forum area.

7.3 Working Groups develop the working arrangements which suit them best and meet as required to investigate and discuss the issues assigned to them.

7.4 The leader or deputy leader reports to the Forum Committee normally once per month.

8. Partner Organisations

8.1 To further its aims, the Forum will work in partnership with relevant public, private and community/voluntary sector organisations.

8.2 The work of the Forum will complement, rather than duplicate, the work of other voluntary and community sector organisations in the area.

9. Finances

9.1 An account will be maintained on behalf of the Forum at a bank agreed by the Committee. Two cheque signatories will be nominated by the Committee (one to be the Treasurer). Any two of these must sign every cheque. The signatories must not be related nor members of the same household.

9.2 Records of income and expenditure will be maintained by the Treasurer and a financial statement given to each meeting.

9.3 All money raised by or on behalf of the SNF is only to be used to further the aims of the group, as specified in item 2 of this Constitution.

10. Amendments to the Constitution

10.1 Amendments to the constitution may only be made at the Annual General Meeting or a Special General Meeting.

10.2 Any proposal to amend the constitution must be given to the Secretary in writing. The proposal must then be circulated with the notice of the meeting.

10.3 Any proposal to amend the constitution will require a two thirds majority of those present and entitled to vote.

11. Dissolution

11.1 If a meeting of the Management Committee, by simple majority, decides that it is necessary to close down the Forum it may call a Special General Meeting to do so. The sole business of this meeting will be to dissolve the group.

11.2 If it is agreed to dissolve the group, all remaining money and other assets, once outstanding debts have been paid, will be donated to a community group or local charitable organization, in order to benefit the Springbank neighbourhood. The group/organisation to receive the donation will be agreed at the meeting held to agree the dissolution.

This constitution was agreed at the inaugural meeting of the Springbank

Neighbourhood Forum on ...6th March 2017.

Name

Signed

.....

Name

Signed

.....

Name	Comment
Cllr Suzanne Williams	As a local councillor, it is a pleasure to see a group of local people, taking an interest in the future of our area. Especially at what could potentially be, a period of great change for us.
Jean Gladwell	Springbank residents have only recently learned of the massive development planned for the greenbelt land we all thought was protected. This has led to the realization that we had no group to speak for us or to bring us all together for the good of our area. Yes we have Hesters' Way partnership but we do not get the forum magazine and most of their work seems to be outside our area. It would be good to have something we can relate to now and in the future. Already GCHQ are turning our local streets into an overspill car park and I am sure things are only going to get worse. It would be good to have a first point of contact for any concerns and suggestions. We have already been hived off to Tewkesbury as regards our MP and don't even know the name of the MP who will represent us (not that he will have much interest in a bit of Cheltenham tacked onto his ward). To have our own forum would at least be a starting point to giving us a voice on what happens in the area we live in.
Adrian Kingsbury	<p>Since the creation of Hester's Way estate in the 50's and the subsequent urban extensions of Springbank in the 60's, and Cavendish Park and Arle Farm in the 80's, it has become evermore apparent that the lack of a traditional parish council type arrangement has been a disadvantage for these areas, as subsequent creation of partnerships etc. just do not appear to be recognised as having any gravitas in the community.</p> <p>The new approach of forums may well be hamstrung by a similar malaise, but these are the tools with which the government wish us to work, and at present it is apparent that the immediate community of Springbank is very focussed and wants a greater voice in its destiny, and as such I would very much like to see such a Forum for the area be recognised and promoted by the Council.</p>
Ann Denise Barnes	I am concerned that unwanted and unnecessary development is being considered for building on our precious greenbelt land in the Springbank area. I, therefore, believe that it is necessary for a Forum to help voice the views of our local community and to safeguard Springbank in Council decisions both current and in the future.
John O'Nion	<p>I wish to support the creation of a local forum for the Springbank area.</p> <p>The recent plans for the development of the green belt to the west of the area has shown that we in this area have NO organised voice in place to protest, question or discuss any plans or suggestion that impact upon us.</p> <p>The creation of a Springbank Forum will give us this voice.</p>
Cllr Peter Jeffries	I am responding to the application by residents for a Springbank Neighbourhood forum.

Name	Comment
	<p>It is extremely satisfying to see so many residents I represent coming together to try and have a measurable input into how their community is shaped, both now and for the future. Having a resident led forum will I'm sure prove hugely beneficial in the development of their neighbourhood plan.</p> <p>Springbank as a ward in the borough of Cheltenham was conceived through what can only be described as piece meal development over a number of generations, so this forum will play a crucial role in address outstanding community concerns whilst providing a vision for the future. This vision will be critical in planning policy terms at the local level.</p> <p>Finally, with a growing membership I believe there is a recognition that this community wishes to be part of the wider conversation in how the proposed West Cheltenham strategic developments are progressed, Working with neighbouring communities will be an important part of the Forums discussions in developing their plan.</p> <p>A truly local plan, developed by local residents, addressing local concerns, producing a local vision for their future.</p>
Diana O'Nion	<p>I wish to support the founding of the Springbank Neighbourhood Forum.</p> <p>The idea of giving the people a formal voice on local concerns has recently been highlighted by the short time we have had to organise from scratch to oppose the ideas within the JCS.</p> <p>The formation of a forum for the Springbank area gives the people a voice.</p>
Carol Kingsbury	<p>Having experienced the current situation in West Fheltenham, that the residents of the Springbank neighbourhood are experiencing, I feel this would be a very good idea for the community. There is a desperate need to have a friendly, communication network in place within the community. This would bring people together to enable people to be involved in their neighbourhoods future.</p>
Michael Barnes	<p>Due to the public opinions of the Springbank residents not having a voice on matters that affect them locally there is a need for a forum to address this. There has not been a machine where a residents plan for the future of the area or any consideration to any impacts by outside influences. The creation of the Springbank Forum would give the area an identity it somewhat lacks currently as indicated by the speed and lack of information over the proposed development of the West Cheltenham Greenbelt.</p>

Name	Comment
	I do hope this forum is given approval.
Cllr Ian Bickerton	Can you please record my support to the Springbank Neighbourhood Forum, this will be vital to give residents a voice on important decisions and masterplanning to 2031 given the rapid changes being made to the JCS and the local plan. This would be consistent with Council policy as debated in the chamber and meets the spirit of localism.

Cheltenham Borough Council

Cabinet – 16 May 2017

Counter Fraud and Anti-Corruption Policy

Accountable member	Cabinet Member Corporate Services, Councillor Roger Whyborn
Accountable officer	Paul Jones, Chief Finance Officer
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>This Policy was updated and adopted in April 2016 to reflect the changes to the counter fraud arrangements at the Council, with the development of a new Counter Fraud Unit within Internal Audit.</p> <p>This Policy has now been revised, very minimally, to reflect the position in relation to the counter fraud provision by the Counter Fraud Unit within the Authority. The Counter Fraud Unit is no longer operating within Internal Audit but is a separate shared support service reporting to the Chief Finance Officer.</p> <p>The Counter Fraud and Anti-Corruption Policy was developed to confirm latest legislation and to reflect the changes brought about by the creation of the Single Fraud Investigation Services (operated by the Department for Work and Pensions) which subsumed the Council's responsibilities for investigating Housing Benefit Fraud.</p> <p>The Policy was developed in consultation with other Gloucestershire Authorities and West Oxfordshire District Council to provide a platform for the operation of the counter fraud unit.</p>
Recommendations	<p>That Cabinet:</p> <ol style="list-style-type: none"> 1. Approve the revised Counter Fraud and Anti-Corruption Policy. 2. Authorise the Chief Finance Officer to approve future minor amendments in consultation with the Counter Fraud Unit and appropriate Officers, Members and One Legal.
Financial implications	<p>There are no direct financial implications as a result of this report. However, the adoption of this policy will help to support the prevention and detection of misuse of public funds and fraud therefore reducing potential financial loss to the council.</p> <p>Contact officer: Paul Jones, S151 Officer, Cheltenham BC</p> <p>Paul.Jones@cheltenham.gov.uk</p>

Legal implications	<p>The Council must (Page 40) legislative requirements, as set out within the Policy. The Council ensure that authorisations obtained under RIPA are appropriately logged, maintained and updated on the central register.</p> <p>Contact officer: Vikki Fennell, One Legal</p> <p>Vikki.Fennell@teWKesbury.gov.uk</p>
HR implications (including learning and organisational development)	<p>As detailed within the Policy.</p> <p>All Council employees and casual workers will need to be made aware of the changes to the updated policy.</p> <p>It will be essential that the Counter Fraud Team and the HR Team work closely together on any issues relating to staff investigations as the Council's Disciplinary Process will need to followed and the process managed carefully to ensure any criminal investigation is not compromised and that HR Policies are not breached.</p> <p>Contact officer: Julie McCarthy, Strategic HR and Client Manager</p> <p>Julie.McCarthy@cheltenham.gov.uk</p>
Key risks	<p>If the Council does not have effective counter fraud and corruption controls it risks both assets and reputation.</p> <p>The Council is required to adopt a Counter Fraud and Anti-Corruption Policy to enable Officers to proactively tackle fraudulent activity against the Council or other public sector bodies.</p>
Corporate and community plan Implications	<p>In administering its responsibilities; this Council has a duty to prevent fraud and corruption, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or Councillor. The Council is committed to an effective counter fraud and corruption culture, by promoting high ethical standards and encouraging the prevention and detection of fraudulent activities using robust enforcement techniques, thus supporting corporate and community plans.</p>
Environmental and climate change implications	<p>None directly arising from the report.</p>
Property/Asset Implications	<p>None directly arising from the report.</p> <p>Contact officer: David Roberts, Head of Property Services</p> <p>david.roberts@cheltenham.gov.uk</p>

1. Background

- 1.1. The 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.
- 1.2. The Policy was developed in consultation with the Gloucestershire and West Oxfordshire authorities, to provide a platform for the operation of the pilot counter-fraud unit.
- 1.3. At the time of drafting and subsequent approval, the counter fraud project was being managed

within the Internal Audit Department. The Counter Fraud Unit works as a Support Service under the direction of the Counter Fraud Unit as a Policy Officer. The Policy has been updated to reflect these current circumstances.

- 1.4. It should also be recognised that the service is a partnership, so co-ordinating policy across multiple organisations is critical to the success of the partnership.
- 1.5. This policy highlights the key legislation and the roles and responsibilities of Members, Officers and other parties.

2. Consultation

- 2.1. The policy has been prepared and drafted by the Counter Fraud Unit and was compiled from a review of all policies across the region and current legislation.
- 2.2. Following the initial drafting of the policy, the document was then circulated to Section 151 Officers at all partner sites (Gloucestershire Districts and the County Council, plus West Oxfordshire District Council) for review.
- 2.3. Audit Committee considered the original policy on 13 January 2016; Cabinet adopted the same on 19 April 2016.
- 2.4. This revised policy with minimal amendments was presented to the Cheltenham Corporate Governance Board on 14 February 2017 for approval.

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Appendices	<ol style="list-style-type: none">1. Risk assessment2. Counter Fraud and Anti-Corruption Policy

The risk				Original risk score (impact x likelihood)			Managing risk					
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register	
1	Without appropriate Policy in place the Counter Fraud Unit and other Council resources are unable to take effective and efficient measures to counter fraud, potentially resulting in authority suffering material losses due to fraud	Chief Finance Officer	11/12/14	3	3	9	Reduce	Introduce a suitable Counter Fraud Policy that enables effective and efficient mitigation of fraud risk.	Ongoing	Counter Fraud Manager		
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>												

Counter Fraud and Anti-Corruption Policy

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Counter Fraud and Anti-Corruption Policy

1. INTRODUCTION AND PURPOSE OF THE POLICY

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

Counter Fraud and Anti-Corruption Policy

partner organisations to observe these standards and values, which are defined within the Code of Conduct for Employees and the Members Code of Conduct, to help achieve the Council's over-arching priority for the continued delivery of outcomes and value for money for local tax-payers.

2. DEFINITIONS

2.1 FRAUD

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

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

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

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

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.

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2.5 THEFT

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

2.6 MONEY LAUNDERING

Money laundering is the process by which criminals attempt to 'recycle' the proceeds of their criminal activities in order to conceal its origins and ownership whilst retaining use of the funds.

2.7 The burden of identifying and reporting acts of money laundering rests within the organisation. Any service that receives money from an external person or body is potentially vulnerable to a money laundering operation. The need for vigilance is vital and any suspicion concerning the appropriateness of a transaction should be reported and advice sought from the Monitoring Officer, Section 151 Officer or Head of Internal Audit. A failure to report a suspicion could compromise an individual and they could be caught by the money laundering provisions. All employees are therefore instructed to be aware of the increasing possibility of receiving requests that are not genuine and are in fact for the purpose of money laundering.

2.8 The Council recognises its responsibilities under the Money Laundering Regulations 2007 and the Proceeds of Crime Act 2002. These responsibilities are set out in detail within the Council's Anti-Money Laundering and Proceeds of Crime Policy. The Council's full reporting process is also detailed therein and the designated money laundering reporting officer is identified.

2.9 The Council's Legal Team also have their own professional guidance in relation to money laundering which places a duty on Solicitors to report any suspicions. These suspicions may override their legal professional privilege and confidentiality.

2.10 BRIBERY

The Bribery Act 2010 introduced four main offences, simplified below. Please note, a 'financial' or 'other advantage' may include money, assets, gifts or services within the following:

- Bribing another person: a person is guilty of an offence if he offers, promises or gives a financial or other advantage to another person. Further if he intends the advantage to induce a person to perform improperly a function or activity or if he knows or believes the acceptance of the advantage offered constitutes improper activity.
- Offences relating to being bribed: a person is guilty of an offence if he requests, agrees to receive, or accepts a financial or other advantage intending that as a consequence an improper activity or function will be performed improperly or if he knows or believes the acceptance of the advantage offered constitutes improper activity. Where a person agrees to receive or accepts an advantage as a reward for improper activity or function that has been performed. It does not matter whether 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

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also intend to obtain or retain business or an advantage in the conduct of business and must offer, promise or give any financial or other advantage.

- Failure of commercial organisations to prevent bribery: organisations, which include the Council, must have adequate procedures in place to prevent bribery in relation to the obtaining or retaining of business associated with the business itself.

- 2.11 The Council is committed to ensuring the prevention of corruption and bribery and sets out its policy in relation to the acceptance of gifts and hospitality within the Code of Conduct for Employees and the Members Code of Conduct. Receipt of any gifts or hospitality should be recorded by Officers and Members in the appropriate register. Officers and Members are also required to declare any outside interests that they have which may result in a conflict of interest in respect of transactions and dealings with the Council. Again, any such interests will be recorded in an appropriate register.
- 2.12 Prior to entering into any business arrangements, all Council Officers and/or business units should ensure that they have taken all reasonable steps to identify any potential areas of risk relating to bribery or corruption. If an Officer has any concerns they must raise them with The Head of Internal Audit.

3. SCOPE

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

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

4. AIMS AND OBJECTIVES

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

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

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.

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- Enable the Council to apply appropriate sanctions, to include prosecution, and recovery of losses.
- Provide recommendations to inform policy, system and control improvements, thereby reducing the Council's exposure to fraudulent activity.

5. PRINCIPLES

- 5.1 The Council will not tolerate abuse of its services or resources and has high expectations of propriety, integrity and accountability from all parties identified within this policy. Maintaining this policy supports this vision.
- 5.2 The Council has a documented Constitution, Scheme of Delegated Powers and Financial Regulations to give Councillors and Officers clear instructions or guidance for carrying out the Council's functions and responsibilities. Responsibility for ensuring compliance with these documents rests with management with adherence being periodically monitored by Internal Audit Services; where breaches are identified these will be investigated in accordance with this policy and the Council's Financial Rules.
- 5.3 The Council expects that Councillors and Officers will lead by example in ensuring adherence to rules, procedures and recommended practices. A culture will be maintained that is conducive to ensuring probity. Councillors and Officers should adopt the standards in public life as set out by the Nolan Committee, known as the Nolan Principles:
- Selflessness – to take decisions solely in terms of the public interest and not in order to gain for themselves.
 - Integrity – not to place themselves under any obligation to outside individuals or organisations that may influence the undertaking of their official duties.
 - Objectivity – when carrying out any aspect of their public duties, to make decisions and choices on merit.
 - Accountability – to be accountable, to the public, for their decisions and actions and must submit themselves to the appropriate scrutiny.
 - Openness – to be as open as possible about the decisions and actions they take and the reasons for those decisions and actions. The dissemination of information should only be restricted when the wider public interest clearly demands it.
 - Honesty – to declare any private interests which relate to their public duties and take steps to resolve any conflicts arising in a manner which protects the public interest.
 - Leadership – to promote and support these principles by leadership and example.
- 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

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disciplinary procedures which must be followed whenever staff members are suspected of committing a fraudulent or corrupt act. These procedures are monitored and managed by the Human Resources Team and may be utilised where the outcome of an investigation indicates fraudulent or corrupt acts have occurred.

- 5.6 The Council may pursue the repayment of any financial gain from individuals involved in fraud, malpractice and wrongdoing. The Council may also pursue compensation for any costs it has incurred when investigating fraudulent or corrupt acts.
- 5.7 This policy encourages those detailed within this document to report any genuine suspicions of fraudulent activity. However, malicious allegations or those motivated by personal gain will not be tolerated and, if proven, disciplinary or legal action may be taken. Reporting arrangements in relation to incidents of fraud or irregularity are detailed below.
- 5.8 The Council will work both internally across different departments and with external organisations such as the Police, HM Revenue and Customs and other Councils to strengthen and continuously improve its arrangements to prevent fraud and corruption.
- 5.9 The Council collects and stores data within multiple departments to enable data cleansing, data sharing and data matching. This process can be utilised for the prevention and detection of fraud and the Council will pursue this where appropriate. The Council applies fair processing practices and these are reflected within data collection documents, stationery and other data collection processes such as those required for the National Fraud Initiative.

6. RESPONSIBILITIES

OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
Head of Paid Service	Ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.
Section 151 Officer	To ensure the Council has adopted an appropriate Counter Fraud and Anti-Corruption Policy. That there is an effective internal control environment in place and resources to investigate allegations of fraud and corruption.
Monitoring Officer	To advise Councillors and Officers on ethical issues, conduct and powers to ensure that the Council operates within the law and statutory Codes of Practice.

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OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
Audit Committee	<p>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.</p> <p>The Audit Committee also receives assurance from external audit on the Council's Annual Accounts and Annual Governance Statement.</p>
Councillors	<p>To comply with the Members Code of Conduct and related Council policies and procedures.</p> <p>To be aware of the possibility of fraud, corruption, bribery and theft and to report any genuine concerns to the Head of Internal Audit.</p>
External Audit / Internal Audit	<p>Has a duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, corruption, bribery and theft.</p> <p>Has powers to investigate fraud and the Council may invoke this service.</p>
Counter Fraud Unit	<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, Head of Internal Audit) with regard to the progress and results of investigations.</p> <p>Reporting annually to the Audit Committee on proven frauds.</p>
Counter Fraud Provision / Services	<p>To proactively deter, prevent and detect fraud, corruption, bribery and theft within or against the Council.</p>

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OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
	<p>To investigate all suspicions of fraud, corruption, bribery or theft, within or against the Council, in accordance with the Criminal Procedures and Investigations Act 1996 (CPIA).</p> <p>To consider reputational damage and the public interest test when investigating any instances of fraud, corruption, bribery or theft.</p> <p>To conduct interviews under caution when appropriate in accordance with the Police and Criminal Evidence Act 1984 (PACE).</p> <p>To undertake any surveillance operation or obtaining any communications data, adhering to the Regulation of Investigatory Powers Act 2000 (RIPA) – this is applicable when undertaking criminal investigations only.</p> <p>To comply with the Data Protection Act 1998 when obtaining or processing personal data.</p> <p>To report to the appropriate Senior Officer(s) for decisions in relation to further action.</p> <p>To enable the Council to apply appropriate sanctions, to include criminal proceedings, and to assist in the recovery of losses in accordance with the Council's Prosecution Policy.</p> <p>To prepare Witness Statements and prosecution paperwork for the Council's Legal Department.</p> <p>To attend and present evidence in the Magistrates Court, the Crown Court and Employment Tribunals.</p> <p>To provide recommendations to inform policy, system and control improvements.</p> <p>To provide fraud awareness training and updates for Councillors and staff.</p> <p>To publicise successes where appropriate.</p>
<p>Human Resources</p>	<p>To report any suspicions of fraud, corruption, bribery or theft to the Section 151 Officer, Monitoring Officer 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.</p>

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OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
Strategic Directors, Heads of Service, and Service Managers	<p>The primary responsibility for maintaining sound arrangements to prevent and detect fraud and corruption rests with management.</p> <p>To promote staff awareness and ensure that all suspected or reported irregularities are immediately referred to the appropriate Senior Officer.</p> <p>To ensure that there are mechanisms in place within their service areas to assess the risk of fraud, corruption, bribery and theft. To reduce these risks by implementing internal controls, monitoring of these controls by spot checks and to rectify weaknesses if they occur.</p>
Staff	<p>To comply with Council policies and procedures when conducting their public duties.</p> <p>To be aware of the possibility of fraud, corruption, bribery and theft and to report any genuine concerns. Staff may report suspicions as detailed below.</p> <p>Referrals can also be made in confidence in accordance with the Council's Whistleblowing Policy.</p>
Public, Partners, Suppliers, Contractors and Consultants	<p>To be aware of the possibility of fraud and corruption within or against the Council and to report any genuine concerns or suspicions as detailed below.</p>

7. APPROACH TO COUNTERING FRAUD

7.1 The Council has a responsibility to reduce fraud and protect its resources by enabling counter fraud services to complete work in each of the following key areas:

7.2 DETERRENCE

The best deterrent is the existence of clear procedures and responsibilities making fraud and corruption difficult to perpetrate and easy to detect. As detailed already within this policy, the Council has a number of measures in place to minimise risk:

- Clear codes of conduct for Officers and Members.
- Register for declarations of interest / gifts and hospitality for Members and Officers.
- Clear roles and responsibilities for the prevention and detection of fraud, corruption, bribery and theft including an Audit Committee, an appointed Monitoring Officer, Section 151 Officer and trained counter fraud staff.
- Effective ICT security standards and usage policies.
- The application of appropriate sanctions and fines as detailed below.

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- 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 team, efficient and effective audits of principal risk areas can then be conducted.
- 7.4 The Council will promote and develop a strong counter fraud culture, raise awareness and provide information on all aspects of its counter fraud work. This may include advice on the intranet, fraud e-learning tools, publicising the results of proactive work, investigating fraud referrals and seeking the recovery of any losses.
- 7.5 **PREVENTION**
- The Council will strengthen measures to prevent fraud. 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 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. 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, Councillors and the public to be alert and to report any suspicions of fraud and corruption which may have been committed or that are allegedly in progress. Managers should be vigilant and refer any matters which may require additional monitoring to a senior representative within the Human Resources Department for guidance and further action.

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7.12 INVESTIGATION

The Council will investigate all reported incidents of fraud or irregularity using its counter fraud resources. The Council will ensure the correct gathering and presentation of evidence in accordance with the Criminal Procedures and Investigations Act 1996.

7.13 Investigations will make due reference to Employment Law as necessary and be conducted within a reasonable time in accordance with the Human Rights Act 1998. Investigations will also adhere to and comply with other applicable legislation such as the Police and Criminal Evidence Act 1984, Data Protection Act 1998 and the Freedom of Information Act 2000 as appropriate.

7.14 Officers may utilise investigative tools and gain intelligence utilising a number of legal gateways and data sharing agreements. This may include membership to third party organisations such as the National Anti Fraud Network (NAFN).

7.15 When investigating allegations of fraud and corruption, the Council may be required to conduct surveillance. The Council must comply with the Regulation of Investigatory Powers Act 2000 which ensures that investigatory powers are used in accordance with human rights. To ensure compliance the Council has a written procedure detailing who may authorise covert surveillance and the use of covert human intelligence sources. Standard documentation has been adopted which must be used by an Officer when seeking such authorisation.

7.16 Officers may also need to acquire intrusive and sensitive communications data when conducting an investigation. This is permissible however; the Council must adhere to the Regulation of Investigatory Powers Act 2000 when applying for this information and the correct nominated single point of contact must be used. As above, specific details are set out within the RIPA written procedure.

7.17 Further information in relation to the use of the above and protocol for Officers when investigating irregularities is set out within the Council's Counter Fraud and Anti-Corruption Investigation Procedures and Guidelines. These include the need to:

- Deal promptly with the matter.
- Record all evidence received.
- Ensure that evidence is sound and adequately supported.
- Conduct interviews under caution when necessary.
- Ensure security of all evidence collected.
- Contact other agencies if necessary e.g. Police, Trading Standards, HM Revenue and Customs.
- Notify the Council's insurers.
- Implement Council disciplinary procedures where appropriate.
- Attend court and present evidence.

7.18 SANCTIONS

The Council will apply considered sanctions to individuals or organisations where an investigation reveals fraudulent activity. This may include:

- Appropriate disciplinary action in line with the Disciplinary Policy.
- Fines and penalties.
- Criminal proceedings.
- Civil proceedings to recover loss.

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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 Councillors and managers will lead by example and that employees at all levels will comply with the Constitution, Council Policies, Financial Regulations, Procurement Regulations, Financial and Contract Procedure Rules, codes of conduct and directorate procedures.
- 8.2 The Council recognises that the primary responsibility for the prevention and detection of fraud rests with management. It is essential that employees of the Council report any irregularities, or suspected irregularities to their Line Manager and if this is not appropriate then to 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 Councillor 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

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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 Ombudsman.
 - External Audit.
 - The National Fraud Initiative.
 - Central Government Departments.
 - HM Revenue and Customs.
 - The Police.
 - Trading Standards.
 - The Department for Work and Pensions.
 - Immigration Services.
 - The Chartered Institute of Public Finance and Accountancy (CIPFA).
 - The Institute of Revenues Rating and Valuation (IRRV).
- 8.10 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. Key contacts include:

Section 151 Officer	Frank Wilson – West Oxfordshire District Council 01993 861000 Jenny Poole – Cotswold District Council 01285 623000 Paul Jones – Cheltenham Borough Council 01242 262626 Paul Jones - Forest of Dean District Council 01594 810000
Monitoring Officer	Keith Butler – West Oxfordshire District Council 01993 861000 Bhavna Patel – Cotswold District Council 01285 623000 Sara Freckleton – Cheltenham Borough Council 01242 262626 Claire Hughes - Forest of Dean District Council 01594 810000
Counter Fraud Officer	Emma Cathcart – West Oxfordshire, Cotswold and Forest of Dean District Councils and Cheltenham Borough Council 01285 623000

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9. FURTHER INFORMATION

9.1 Further information on Council policy can be found in the following documents (or equivalent documentation / codes):

- The Constitution.
- Code of Conduct for Employees and the Members Code of Conduct which include information in relation to gifts and hospitality and declaring and registering interests.
- Whistleblowing Policy.
- Prosecution Policy.
- Anti-Money Laundering and Proceeds of Crime Policy.
- Recruitment and Selection Policy.
- RIPA Procedure and Guidance.
- Financial Rules.
- Contract Rules or equivalent.
- Fair Processing Statement.
- Disciplinary Procedure.

10. STRATEGY AND POLICY REVIEW

10.1 The appropriate department will review and amend this strategy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council in consultation with the S151 Officer, the Legal Department and Members.

10.2 Responsible Department: Counter Fraud Unit

Date: January 2017

Review frequency as required by legislative changes / every three years.

