



STROUD DISTRICT COUNCIL

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To all Members of Stroud District Council

11 December 2019

You are hereby summoned to attend the Meeting of the **STROUD DISTRICT COUNCIL** in the Council Chamber, Ebley Mill on **THURSDAY 19 DECEMBER 2019 at 7.00 pm.**

Kathy O'Leary
Chief Executive

Please Note: This meeting will be filmed for live or subsequent broadcast via the Council's internet site (www.stroud.gov.uk). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

AGENDA

1 APOLOGIES

To receive apologies for absence.

2 DECLARATIONS OF INTEREST

To receive declarations of interest.

3 MINUTES

To approve the Minutes of the Council's meeting held on 17 October 2019.

4 ANNOUNCEMENTS

To receive announcements from the Chair of Council.

5 PUBLIC QUESTION TIME

The Chairs of Committees will answer questions from members of the public submitted in accordance with the Council's procedures.

DEADLINE FOR RECEIPT OF QUESTIONS

Noon on Monday, 16 December 2019

Questions must be submitted to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud and sent by post or email (democratic.services@stroud.gov.uk)

6 COMMITTEE MEMBERSHIP

Housing Committee –To appoint Sandra Longstreth to replace Juliette Smith as a Tenant Representative.

7 UBICO BOARD ARRANGEMENTS AND DELEGATIONS

To inform Council of a change to the makeup of the Board and to regularise delegations to officers.

8 SUPPORTING AND SIGNPOSTING VICTIMS OF DOMESTIC, MENTAL AND FINANCIAL ABUSE

To adopt the Domestic Violence and Abuse Policy.

9 RECOMMENDATIONS FROM OTHER COMMITTEES

AUDIT AND STANDARDS COMMITTEE – 19 NOVEMBER 2019

The relevant Committee reports are available on the Committee's website page for this Council meeting.

The Chair of Audit and Standards Committee will present these items.

9a Council RESOLVES:-

- 1. The Audit and Standards Committee's Terms of Reference are approved.**
- 2. That an Independent Member is co-opted on to the Audit and Standards Committee on a non-voting basis.**
- 3. That the appointment of the Independent Member is delegated to the Audit of Standards Committee.**
- 4. That the process for selecting and recommending an appropriate candidate is delegated to the Strategic Director of Resources in consultation with the Chair of Audit and Standards Committee.**

9b Half Year Treasury Management Activity Report 2019/20 (Agenda Item 9)

To provide an update on treasury management activity as at the first half of the financial year 30/09/2019.

The Committee RECOMMENDS that Council approves the treasury management activity half year report for 2019/20.

9c ENVIRONMENT COMMITTEE – 5 DECEMBER 2019

The relevant Committee reports are available on the Committee's website page for this Council meeting.

The Chair of Environment Committee will present these items.

Council RESOLVES:-

- 1. That a round table discussion group be formed on a cross party basis with members to be nominated by each political group.**
- 2. To authorise the Interim Head of Legal Services and Monitoring Officer to affix the common seal to new Byelaws for the regulation of businesses that carry out acupuncture, tattooing cosmetic piercing, semi-permanent skin-colouring, and electrolysis and carry out the**

- necessary procedure and apply to the Secretary of State for confirmation; and
3. Subject to the confirmation of the proposed new Byelaws, take such steps necessary to revoke the Council's existing Byelaws relating to acupuncture, tattooing, ear piercing and electrolysis that came into force on 1st August 1986.

STRATEGY AND RESOURCES COMMITTEE – 17 DECEMBER 2019

The relevant Committee report is available on the Committee's website page for this Council meeting.

The Chair of Strategy and Resources Committee will present this item.

9d Council Tax – Long Term Empty Property Premium (Agenda Item 5)

The Committee **RECOMMENDS** to Council that the Long Term Empty Property Premium (currently set at 50%) is:-

1. Increased to 100% from 1st April 2020 for those properties which have been empty for two years and over;
2. Increased to 200% from 1st April 2020 for those properties which have been empty for five years and over;
3. Increased to 300% from 1st April 2021 for those properties which are/have been empty for ten years and over.

10 COMMUNITY GOVERNANCE REVIEW AMENDED RECOMMENDATIONS

To put an amended recommendation arising from the Community Governance Review to Council for consideration and, if appropriate, approval.

11 MEMBERS' QUESTIONS

See Agenda Item 5 for deadline for submission.

**COUNCIL MEETING**

17 October 2019

7.00 pm – 8.07 pm

3**Council Chamber, Ebley Mill, Stroud****Minutes****Membership:**

Martin Baxendale	P	Nick Hurst	P	Nigel Prenter	P
Dorcas Binns	P	George James	P	Skeena Rathor	A
Catherine Braun	P	Julie Job	P	Sue Reed	P
Chris Brine	P	Haydn Jones	P	Mark Reeves	P
Miranda Clifton	P	John Jones	P	Steve Robinson*	P
Nigel Cooper	P	Norman Kay	P	Mattie Ross	P
Doina Cornell	P	Darren Loftus	A	Tom Skinner	P
Gordon Craig	P	Stephen Lydon	P	Nigel Studdert-Kennedy	P
Rachel Curley	P	John Marjoram	A	Haydn Sutton	A
Stephen Davies	P	Phil McAsey	A	Brian Tipper	P
Paul Denney	P	Karen McKeown	P	Chas Townley	P
Jim Dewey	P	Jenny Miles	P	Jessica Tomblin	P
Jonathan Edmunds	P	Dave Mossman	A	Ken Tucker	P
Chas Fellows	P	Gill Oxley	P	Martin Whiteside	P
Colin Fryer	P	Keith Pearson	A	Tim Williams	A
Lindsey Green	P	Simon Pickering	P	Tom Williams	P
Trevor Hall	P	Gary Powell**	P	Debbie Young	P

**Chair *Vice-Chair P = Present A = Absent

Officers Present:

Chief Executive	Interim Head of Legal Services and
Strategic Director of Resources	Monitoring Officer
Democratic Services & Elections Officer	

CL.024 APOLOGIES

Apologies for absence were received from Councillors Loftus, Marjoram, McAsey, Mossman, Pearson, Rathor, Sutton and Tim Williams.

Members sent their best wishes to Councillor Mossman.

CL.025 DECLARATIONS OF INTEREST

The Interim Head of Legal Services and Monitoring Officer declared an interest in Agenda Item 7, Extension to Designation of Monitoring Officer and left the Council Chamber before this item was discussed.

CL.026 MINUTES

RESOLVED That the minutes of the Council's meeting held on 18 July 2019 are confirmed and signed as a correct record.

CL.027 ANNOUNCEMENTSThe Chair

The Chair reminded Members of procedures regarding the length of speeches and order during debate at the Council meetings.

This week is National Democracy Week and the Council were co-ordinating several events:-

- 'Become a Councillor' event for prospective Parish and District Councillors.
- Year 10 pupils from Maidenhill School submitted poems and short stories on 'What they liked about their community', these were displayed at the back of the room.
- Pupils from Stroud High School would be debating the topic 'Should it be a legal requirement to vote?'.

Stonehouse, Nailsworth and Dursley had recently received a Gold in this years Britain in Bloom.

The Leader

This week is National Hate Crime Awareness Week.

Chief Executive

Following interviews Andrew Cummings had been appointed to the post of Strategic Director of Resources and Brendan Cleere had been appointed to the post of Strategic Director of Place. Interviews will be taking place next week for the posts of Strategic Director of Communities and Strategic Director of Change and Transformation.

CL.028 PUBLIC QUESTION TIME

There were none.

CL.029 COMMITTEE MEMBERSHIP

RESOLVED To note the appointment of Councillor Clifton to Audit and Standards Committee replacing Councillor Hall and Councillor Hurst to Environment Committee replacing Councillor Mossman.

The Interim Head of Legal Services and Monitoring Officer left the Council Chamber.

CL.030 EXTENSION TO DESIGNATION OF MONITORING OFFICER

In presenting the above report the Chief Executive referred to the decision taken at the last Strategy and Resources Committee to explore the opportunity of a partnership between our Legal Service and One Legal, which is based in Tewkesbury. The Council needs a Monitoring Officer appointed by Council to carry out that work and extend the contract for Patrick Arran. The report asked Council to sanction this extension to enable

him to continue with this work. We should have a clearer picture by the end of March 2020.

When put to the vote, the Motion was carried.

RESOLVED To designate Patrick Arran as Monitoring Officer until 31 March 2020.

The Interim Head of Legal Services and Monitoring Officer returned to the Council Chamber.

CL.031 CIVIC TIMETABLE 2020/21

Councillor Doina Cornell, the Leader of Council confirmed that as far as possible school holidays had been avoided in the Civic Timetable.

When put to the vote, the Motion was carried.

RESOLVED To note the Civic Timetable for 2020/21.

CL.032 RECOMMENDATIONS FROM STRATEGY AND RESOURCES COMMITTEE – 3 OCTOBER 2019

Local Council Tax Support Scheme

Councillor Cornell, outlined the above report, highlighting key points. Nationally there were just 21 councils that continue to provide this level of support. At Strategy and Resources Committee the original decision box was amended to include a full review. Any new scheme would be mindful of protecting the most vulnerable of residents.

When put to the vote, the Motion was carried.

RESOLVED 1. To adopt the current default scheme for 2020/21, keeping the scheme unchanged.
2. That during 2020/21 a full review and remodelling will be carried out.

Budget Strategy 2020/21 – 2023/24

Councillor Cornell, presented the above report which set out the current estimated financial position for the next 4 years. This would provide the framework against which the work of the detailed budget setting process would take place and was structured to give an overview of the major issues.

Councillor Lydon stated that Stroud are the best Council in the South West for recycling and are being penalised for their success through changes to the County Council food waste incentive scheme and asked Members to approach County Councillors to revisit this.

Councillor Pickering, Chair of Environment Committee confirmed that the County Council had cut their overall budget for paying incentives for food waste from £1m to £600k. The County Council originally considered capping all Local Authorities at the same level however, as a result of feedback received they reconsidered this position and the calculation was now back to an incentive based process which was better for Stroud and would help limit the waste sent to landfill. Councillors and Officers who had

attended these meetings had argued strongly that figures should be based on climate change implications and reducing waste to landfill.

When put to the vote, the Motion was unanimously carried.

RESOLVED To approve the Budget Strategy 2020/21 to 2023/24 as set out in this report.

Vision 2050 Severn Vale Delivery Board

Councillor Cornell, presented the above report which recommended that the Council participates in the work of the Severn Vale Board and endorse the Terms of Reference. This was one of three boards set up by Leadership Gloucestershire to deliver the Vision 2050 for the county and the eight ambitions that underpin it. The focus is infrastructure and connectivity of the Severn Vale, other key partners would be the Environment Agency and Natural England.

Councillor Whiteside referred to the recent presentation given to Strategy and Resources Committee by GFirstLEP on the Local Industrial Strategy. This talked about consultation with young people who have difficulty getting around on public transport which does not currently meet their needs. It was stated that it is important we focus on protecting the environment, carbon neutral 2030, renewable energy and improving transport connections, particularly public transport.

Councillor Braun requested that we have a stronger focus on walking, cycling and buses.

The Leader confirmed that she would mention this at the next meeting. There will be a need for resources funded by the Economic Growth Committee.

Councillor Davies confirmed that the Council needed to have their say and it was important that we were part of this board. A major concern was that we are congesting our motorway corridor.

Councillor Robinson confirmed a new surface had been laid to part of the cycle track from Nailsworth to Stroud but was not yet ready for use.

On being put to the vote the Motion was carried.

**RESOLVED 1. The Terms of Reference for the Severn Vale Board set out in Appendix 1 are agreed, and.
2. Stroud District Council participates in the activities of the Board.**

CL.034 MEMBERS' QUESTIONS

There were none.

The meeting closed at 8.07pm.

Chair

STROUD DISTRICT COUNCIL

AGENDA
ITEM NO

COUNCIL

7

19 DECEMBER 2019

Report Title	UBICO BOARD ARRANGEMENTS AND DELEGATIONS
Purpose of Report	To inform Council of a change to the makeup of the Board and to regularise delegations to officers.
Decision(s)	<p>Council RESOLVES to:</p> <ol style="list-style-type: none"> 1) Note the changes to the composition of the Ubico Board. 2) Delegate authority to the Chief Executive to be the Shareholder Representative, to take all decisions as such and to sign the Shareholder Agreement in consultation with the Leader. 3) That the relevant Strategic Director or Head of Service be the Council's Local Authority Director on the Ubico Board.
Consultation	Chair of Environment Committee
Financial Implications and Risk Assessment	<p>There are no financial implications arising from this report.</p> <p>Andrew Cummings, Strategic Director of Resources Tel: 01453 75 Email: Andrew.cummings@stroud.gov.uk</p> <p>No risk assessment has been carried out at this stage due to the nature of the report which is principally informative</p>
Legal Implications	<p>There are no legal implications arising specifically from this report.</p> <p>Patrick Arran, Interim Head of Legal Services and Monitoring Officer Tel: 01453 754369 Email: patrick.arran@stroud.gov.uk</p>
Report Author	As above
Options	The option is that Council can note the report and the arrangements and grant the delegated authority requested. Alternatively, Council can refuse to grant the delegated authority, but this would lead to delays in decision making and may deprive the Council of a voice in matters which can be decided by majority at Board meetings.
Performance Management Follow Up	None
Appendices/ Background Papers	Appendix 1 – Background to the changes to the composition of the Board

1. INTRODUCTION

- 1.1 This report is to inform members of a recent change to the Shareholder Agreement and Articles of Association of Ubico in order to alter the composition of the Board of Directors. It provides members with a brief background to the Councils shareholding in Ubico by way of general information and sets out the changes to the composition of the Board.
- 1.2 It is important to stress at the outset that the Board has been informed that the Council wishes to have its own Non Executive Director on the Board and the report author has ensured that this has been reflected in the amended Shareholder Agreement and Articles. Therefore, the changes to the composition of the Board will have no impact on the Council having its own representative appointed as a Director.

2. BACKGROUND AND CURRENT POSITION

- 2.1 Members will recall that on the 6th of November 2014, Council considered a report concerning a Multi Service Contract Review with the recommendation that it joined Ubico from the 1st of July 2016.
- 2.2 There was also a recommendation in relation to governance issues. Council resolved to join Ubico and other matters as follows (Item 7b, Minute CL.027):

RESOLVED

(1) Subject to (2) below to recommend to the Council that it becomes a shareholder in UBICO Limited on the terms set out in paragraph 2 of this report.

(2) To approve the governance principles set out in paragraphs 4, 5 and 6, (See Below Paragraph 2.4) subject to the amendments in (3) of this report and to delegate to the Strategic Head (Customer services) in consultation with Legal Services Manager and the Chairman of the Committee authority to agree the new Shareholders Agreement and Articles of Association of UBICO Limited provided that those documents do not deviate in any material respect from those approved principles.

(3) The Council expresses its view to the Company that provision should be made in the new articles of association and shareholders agreement for a nominated member of each Local Authority Shareholder to be entitled to attend meetings of the Board of Directors for the purpose of observation only.

- 2.3 For the sake of accuracy, the minutes at "(1)" should have recorded that Council resolved to accept the recommendations, but that does not impact the decision in any way.
- 2.4 The governance principles referred to in paragraphs 4, 5 & 6 in minute (2) are summarised as follows:

- Membership of the company is governed by a Shareholder Agreement.
- Each member of the company is issued with a single share which entitles that member to equal participation with all other members in company matters.
- Each shareholder is entitled to appoint one shareholder representative to attend, speak and vote at general meetings of the company.
- The company's articles provide that this may be any authorised councillor or officer of the shareholder (Due to the fact that Stroud operates a committee system, section 101 of the Local Government Act 1972 prevents a single member from making decisions on behalf of the Council.) Accordingly Stroud's shareholder representative would have to be an officer appointment in consultation with members of the Council.
- General management of the company is undertaken by the board of directors. Certain matters are however reserved for the decision of the shareholders. (Reserved Matters)
- Decision making at shareholder level is on a simple majority and excludes the use of casting votes. (There are exceptions to this general rule e.g. where company law requires a special resolution (75% majority) and where issues are considered to be so fundamental as to merit more than a simple majority decision.)

2.5 Council had approved the governance principles set out in the report and, read in conjunction with the Scheme of Delegation, officers were given authority to perform the functions of Shareholder Representative and Director. However, the delegations should be formalised in line with section 101 Local Government Act 1972 to provide delegations to specific officers in respect of Ubico. This will be set out below and reflected in the recommendations.

2.6 On the basis that this report is to make Council aware of changes to the composition of the Board, the previous arrangement was as follows, the changes proposed to the Articles of Association and the new Shareholder Agreement as a result of the recent Special Resolution are reflected in italics:

- The Articles of the company provide that the general management of the company will be undertaken by a board of directors. The board comprised both Executive Directors (ED) and Shareholder Appointed Directors (SAD). *There is the addition of one further Executive Director of Operations and three Non Executive Directors*
- Each shareholder is entitled to appoint one SAD. It has been the arrangement that all SAD's have been officers of the respective shareholders. *Whilst the preference of the Board is to have no more than 3 jointly nominated Local Authority Directors, SDC will maintain its own Director on the Board.*
- Appointments of SAD's can be terminated by the relevant shareholder by notice from the relevant shareholder to the company. *No change*
- Board meetings require a quorum consisting of two thirds of the SAD's and one half of the ED's and will be chaired by an SAD. *The new*

quorum will be two thirds of all directors with at least one Director from each category (Executive, Non Executive Independent, Non Executive LA Director)

- All directors are entitled to vote but the chairman does not have a casting vote. Unless otherwise required by law, board decisions will be by simple majority. *No change*
 - The Board will be able to delegate any of their powers to such person or committee as they decide, subject always to any restriction imposed by law or expressly provided for in the articles. This means that decision making can be delegated to one or more directors or an employee of the company. *No change*
- 2.6 The 6th of November 2014 resolution delegated authority to the (then) Strategic Head (Customer services) to agree the Shareholder Agreement and Articles of Association in consultation with the Legal Services Manager and the Chairman of the Environment Committee. This was on the proviso that the documents did not deviate in any material respect from those approved principles – which was in fact the case.
- 2.7 After a period of discussion and negotiation, the formalities were ready for completion. On the 21st December 2015, the then Strategic Head (Customer Services) in consultation with the Chair of Environment Committee and the then Leader (Cllr Wheeler) agreed the terms of the Shareholder Agreement and Articles of Association and authorised Legal Services to conclude the agreements.
- 2.8 At the same time, the following arrangement was suggested by the Interim Multi Service Contract Review Manager and agreed by the Chair of Environment Committee, the Leader and the Strategic Head (Customer Services):
- That David Hagg should be the Shareholder Representative
 - That Jo Jordon would be the nominated LA Director
 - That a member observer would attend Board meetings for a period of six months
- 2.9 Whilst the position is that there was ostensible delegation, it is preferable that specific delegations are made so that officers can take action in consultation with the Leader and Chair of Environment Committee.
- 2.10 In this instance delegations should be made to the following posts:
- Shareholder Representative** – Chief Executive
Local Authority Non Executive Director – the relevant Strategic Director or Head of Service

BACKGROUND TO THE CHANGES TO THE COMPOSITION OF THE BOARD

During 2018, Ubico undertook a Board Effectiveness Review to address skills gaps on the Board. As a result, it was recommended that the existing Board should be re-shaped to address identified skills gaps on the current Board. This was discussed in principle at an informal meeting of shareholders which took place on the 26th of July 2018 which was attended by the previous Chief Executive.

On the 15th of August 2018, the Ubico Board of Directors considered a report which proposed a new Board composition based on the following principles:

- The appointment of an Operations Director to make a total of three Executive Directors (instead of two).
- Three Non-Executive Directors (NEDs) who are linked to the local authority shareholders (LA) and;
- The appointment of three new independent NEDs through a competitive recruitment process.
- Overall, the Board would have a maximum total membership of nine.
- The selection of three LA NEDs should be determined at a meeting of shareholding Chief Executives (or their representatives).
- To agree three nominations for LA NEDs matched against the completed skills audit. If the Chief Executives are unable to agree three clear candidates then Ubico will undertake a process to narrow the nominations to three.

The Board agreed to the recommendations and the following resolutions were sent to the Shareholders for approval:

- To replace the current Board composition with the Board composition model as contained in the report.
- To approve the outline recruitment process.
- To agree the remuneration of independent NEDs to be set at a maximum of £6k with flexibility to offer differentiation for the role of Chair.

The view of the Board and Shareholder Representatives was that the appointment of Independent NEDs would complement the skills demonstrated by the LA NEDs and would provide a strong Board that will meet the current and future needs of Ubico. The logic behind this approach was that it would mitigate the need for any individual shareholder to appoint its own LANED's to the Board. It was envisaged that the right to appoint its own LANED would only be exercised by a shareholder as a last resort if they judged the recruitment and selection of LA NEDs was flawed to the extent they needed to exercise this right. This proposal had broad support from all of the shareholder representatives at the meeting, which included the previous Chief Executive.

On the 24th November 2018, the Shareholder Representatives were sent a written resolution, together with a report, to approve the replacement of the current Board composition. This was signed by the Shareholder Representative of SDC on the 4th December 2018.

It is important to note that, notwithstanding the desire of the Board to restrict the LA NED's to three, any Board decision to make changes to the Articles of Association to reflect the new Board composition will require a special resolution with 75% in favour. On the basis that the Board can make these changes with a majority vote, this report is not seeking authority to agree to the proposed changes as this has already been approved by majority resolution.

STROUD DISTRICT COUNCIL
COUNCIL

AGENDA
ITEM NO

19 DECEMBER 2019

8

Report Title	SUPPORTING AND SIGNPOSTING VICTIMS OF DOMESTIC, MENTAL AND FINANCIAL ABUSE
Purpose of Report	For Council to understand the approach to be taken by the Authority in its handling of DVA.
Decisions	The Council RESOLVES to adopt the policy.
Consultation and Feedback	Internal services including Human Resources, Community Services and Housing Advice.
Financial Implications and Risk Assessment	<p>It is possible that training may create small additional costs but these can be met from existing budgets.</p> <p>Andrew Cummings, Strategic Director of Resources Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk</p> <p>Risk assessment by the report author The authority does not have a current policy to manage how we deal with reporting DVA either internally or externally this policy will go some way towards addressing this ensuring the right things are done at the right time when victims present themselves. A number of training sessions will need to be rolled out and appropriate information held on the HUB for the information and use of staff.</p>
Legal Implications	<p>There are no legal implications arising from the recommendation to adopt the policy as there is no legal requirement to have a policy, but once adopted, there may be a legitimate expectation that the Council will act in accordance with the policy.</p> <p>Patrick Arran, Interim Head of Legal Services and Monitoring Officer Tel: 01453 754369 Email: patrick.arran@stroud.gov.uk</p>
Report Author (s)	Kevin Topping, Head of Housing Services Tel: 01453 754196 Email: Kevin.topping@stroud.gov.uk
Performance Management Follow Up	Appropriate training to be rolled out to customer facing officers in the first instance then back office staff shortly thereafter
Background Papers/ Appendices	Appendix A – Domestic Violence and Abuse Policy

1.0 Background

1.1. What is domestic Abuse?

1.1.1 The Government definition is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to the following types of abuse:

- Physical abuse – slapping, pushing, kicking, punching, stabbing attempted murder or murder, and abduction
- Sexual abuse – rape and non-consensual sexual acts
- Emotional or psychological abuse – intimidation, isolation, verbal abuse, humiliation, not allowing friends / relatives to visit, destruction of belongings, threats legal sanctions e.g. deportations, custody of children etc.
- Financial abuse – denial of rights or restrictions of personal freedom e.g. withholding money or medical help

1.1.2 Domestic abuse is rarely a one-off occurrence. A survivor usually experiences many different forms of abuse during one incident. Violent acts are often repeated throughout and sometimes after any relationship.

1.1.3 Although domestic violence does affect men, statistics show that it is overwhelmingly carried out by men and experienced by women although we recognise that instances of women abusing men and same sex relationships often go unreported.

2.0 Introduction

2.1 Domestic Violence and Abuse (DVA) is a largely a hidden issue, occurring mainly in homes behind closed doors. As such, it can be difficult to record the context in which abuse is being perpetrated, or accurately measure the impact of the abuse on those who experience it.

2.2 Although Stroud District Council are not the specialists in dealing with DVA and all associated forms of abuse we have a social and moral responsibility to support and guide victims to the appropriate professionals whether they are residents of the district or members of staff.

Aims:

- To ensure that residents experiencing domestic violence/abuse can approach SDC in confidence knowing that staff will be sympathetic and supportive

- To establish close working relationships with external support agencies

Objectives:

- To treat all reports of domestic violence/abuse seriously and as a matter of high priority
- To put residents in contact with appropriate agencies that can help them by providing specialist advice and support
- To maintain a clear and concise policy and procedure, outlining the assistance SDC can offer residents affected by domestic violence.

2.3 We recognise that not all our staff will be experts in this area and that we do not have the resources or structures to deal with all aspects of domestic violence/abuse. We will work in partnership with legal statutory and voluntary services to ensure services are provided in a co-ordinated way, encouraging people to report incidents of domestic violence/ abuse. We will work to create an environment, which encourages victims to seek support and assistance.

2.4 Guidance on identifying and responding to domestic abuse is available at www.glostakeastand.com

2.5 Tenant Services as the Councils social landlord have signed up to the “Make a stand” campaign that was launched in 2018 by the Chartered Institute of Housing (CIH) for all of their homes in the HRA. This campaign has been signed up to and supported by over 250 social landlords nationally and It centres around a pledge that has been developed in partnership with the Domestic Abuse Housing Alliance (DAHA) and Women's Aid.

3.0 Staff and Domestic Violence and Abuse

3.1 We will ensure that training on domestic violence/abuse is compulsory for all appropriate staff. Additional training will be provided to those staff experienced in this area who provide support to officers dealing with individual cases, supporting staff who are involved in dealing with cases of domestic violence/abuse, and ensure that they receive appropriate training to enable them to recognise issues. We will provide appropriate advice, and support to staff dealing with cases of domestic violence/abuse.

3.2 All staff should be familiar with SDC’s Lone Worker Policy and ensure that the risk of visiting victims and perpetrators of domestic violence/ abuse are considered prior to visits.

3.3 We acknowledge that SDC staff may also be victims of domestic violence/abuse and we will deal sensitively with those staff in these cases. Where a member of staff is a convicted perpetrator of domestic violence/abuse we will address this through our HR policies.

4.0 Allocation of accommodation to victims of DVA

4.1 Statutory guidance on the allocation of accommodation by local housing authorities was issued on 10 November 2018. This is intended to assist local authorities to apply the allocation legislation to ensure that victims of domestic abuse are able to move into social housing from a refuge or other form of temporary accommodation. This process is duly followed by our Housing Advice specialists

4.2 The guidance is published on the Gov.Uk website at:
<https://www.gov.uk/government/publications/improving-access-to-social-housing-for-victims-of-domestic-abuse>

5.0 Summary

5.1 This policy is intended to be the first step in raising awareness and professional approached to dealing with those who present themselves as victims of DVA in all of its forms. As awareness develops and greater understanding is applied there may be additions or variations to the policy to ensure it is constantly meeting the need of victims and the authority while at the same time protecting officers ensuring they have the information to make the correct decisions when signposting.

DOMESTIC VIOLENCE AND ABUSE POLICY

Scope

This policy sets out the aims, principles and values that will be adopted by Stroud District Council (SDC) in managing reported incidents of domestic violence and abuse.

1. Introduction

- 1.1 At Stroud District Council (SDC) we believe that our residents should not live in fear of abuse or violence from a partner, former partner, or other member of their household. We will take steps to assist and support any person suffering from, or threatened with domestic violence and or abuse.
- 1.2 This policy applies to all SDC customers who are victims of domestic violence/abuse perpetrated by a spouse or partner, former spouse or partner or other member of their household/family. The perpetrator may be someone living in the same property as the victim, or be a visitor to their home, estate or neighbourhood.

2. Definition

- 2.1 SDC has adopted the government definition of domestic violence and abuse which states:
- 2.2 Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:
 - Physical abuse – slapping, pushing, kicking, punching, stabbing attempted murder or murder, and abduction.
 - Sexual abuse – rape and non-consensual sexual acts.
 - Emotional or psychological abuse – intimidation, isolation, verbal abuse, humiliation, not allowing friends / relatives to visit, destruction of belongings, threats legal sanctions e.g. deportations, custody of children etc.
 - Financial abuse – denial of rights or restrictions of personal freedom e.g. withholding money or medical help.
- 2.3 Controlling behaviour is:

A range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the

means needed for independence, resistance and escape and regulating their everyday behaviour.

- 2.4 Coercive behaviour is:
An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.
- 2.5 This policy on domestic violence and abuse also covers what is commonly referred as Honour Based Violence (HBV) and forced marriage, for further information on these areas see the government website:
www.gov.uk/government/publications/definition-of-domestic-violence-and-abuse-guide-for-local-areas
- 2.6 The government define HBV as a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code.
- 2.7 We recognise that HBV has many similarities for other forms of domestic violence/abuse but is also very different. We will adopt the same principles outlined in this policy when dealing with a case reported to us, but we also recognise that additional sensitivity and indeed expertise in this area may be required.
- 2.8 We acknowledge that domestic violence/abuse can happen to anyone regardless of the protected characteristics of the Equalities Act 2010. We also recognise that domestic violence/abuse is under-reported.

Aims:

- To ensure that residents experiencing domestic violence/abuse can approach SDC in confidence knowing that staff will be sympathetic and supportive.
- To establish close working relationships with external support agencies.

Objectives:

- To treat all reports of domestic violence/abuse seriously and as a matter of high priority.
- To put residents in contact with appropriate agencies that can help them by providing specialist advice and support.
- To maintain a clear and concise policy and procedure, outlining the assistance SDC can offer residents affected by domestic violence.

3. Commitment to Supporting victims of Domestic Violence/Abuse

3.1 We aim to ensure that victims of domestic violence/abuse are aware of all the options and support available to them in order that they can make informed decisions about the route they wish to take to end the abuse and rebuild their lives. We acknowledge that this may not be concluded in a single meeting but that issues are likely to arise and change over a period of time; as a result, we will be flexible in our responses.

3.2 We recognise that not all our staff will be experts in this area and that we do not have the resources or structures to deal with all aspects of domestic violence/abuse. We will work in partnership with legal statutory and voluntary services to ensure services are provided in a co-ordinated way.

3.3 We will encourage people to report incidents of domestic violence/abuse. We will work to create an environment, which encourages victims to seek support and assistance by ensuring that:

- We explain the conditions in our tenancy agreement to new and existing tenants, making it clear that SDC is serious about acting upon any breaches.
- Reports of domestic violence/abuse can be made by phone in person, via email or letter and on our website.
- Where there is an immediate concern for safety, we will contact the Police to report the incident, provide the victim emergency contact numbers, and advise the out of hours' emergency contact for the relevant part of the organisation.
- All reports of domestic violence/abuse will be recorded on an appropriate secure database.
- All staff have responsibility to inform the appropriate officer when made aware or are concerned about domestic abuse.
- Offer a named officer as point of contact/who will deal with the report and remain the consistent point of contact for the victim. This member of staff will be supported where possible by a colleague who is experienced in this area.
- We recognise that evidence of domestic violence/abuse may be required for certain legal action but may not always be available in the first place. We will accept the report as detailed by the victim, without formal evidence, until further investigations prove otherwise. This does not mean that the alleged perpetrator is immediately assumed to be guilty, but it does require that SDC staff provide support, advice and assistance to victims.
- Our service to those experiencing domestic violence/abuse is available to all customers and translated information or information in other formats (Braille etc.) will be provided where required.

3.4 Our first priority is the safety of the person(s) experiencing domestic violence/abuse including their families, where appropriate, and where the victim wishes it, we will:

- Liaise with specialist agencies to provide support and or housing.
- Help those threatened with or suffering abuse or violence, where it is not safe for them to return home, to obtain temporary accommodation.
- Provide support to our tenants who wish to move permanently to alternative accommodation if they feel unable to remain in their home. This is likely to be through choice based lettings, unless there is an opportunity to consider a move within SDC's own housing stock.

3.5 We will deal with all reports of domestic violence/abuse seriously and confidentially, unless there is a legal obligation to disclose information to statutory services. We will not judge the victim and we will ensure that our response and actions focus on the needs of the victim. Examples of what could be considered include the option of being interviewed by someone of the same gender or of a similar ethnic or cultural background or sexual orientation, where this is possible:

- An interview at a location of their choice (subject to safety concerns).
- Sensitivity where children are involved and seek to conduct an interview not in the presence of children. We will not normally use children (under the age of 18) to interpret unless the victim may prefer this. In such cases we will seek independent confirmation of this from an external interpreter. If we are concerned that a child (under the age of 18) is abusing an adult, or a child is being abused, we'll follow our Safeguarding Policy.
- The option to have a friend or advocate present at the interview if they wish.
- Accurate and appropriate advice about their housing options and about their legal rights and responsibilities and appropriate financial and benefit advice.
- Repairs to the property which affect a person's security and health and safety and treat these as an emergency.
- Support to arrange repairs to leaseholders' homes including communal areas but the cost of doing so will be the responsibility of the leaseholder.

Discussions about DVA should take place with the person in question on their own, and not in the presence of any potential perpetrator who may coerce or intimidate the victim in to denying that abuse is taking place.

- 3.6 Violence to women starts or increases both in severity and frequency during pregnancy. Often involving punches or kicks directed at the women's abdomen. Once born, the impact on the mother and child attachment process may be affected, as well as the child's capacity to develop normal responses to stressful situations. This can result in a fractious baby and place both mother and child at further risk from their abuser.

DVA during pregnancy puts a pregnant woman and her unborn child in danger. It increases the risk of miscarriage, infection, premature birth, low birth weight, foetal injury and foetal death.

If a woman is pregnant and/or child lives in a household where DVA is believed to be a factor, and where there is a need of support and/or protection.

- 3.7 All cases of domestic violence/abuse will be kept under review until it is agreed that the problems have been resolved satisfactorily or where no further action can be taken.

Guidance on identifying and responding to domestic abuse is available at www.glostakeastand.com

4. Action against perpetrators

- 4.1 We will take firm swift action against the perpetrator where it is appropriate to do so:

- We will actively cooperate and work in partnership with others as part of any investigation.
- We may take action legal action against perpetrators of domestic abuse/violence using the powers available to us under the relevant legislation and in consultation with the victim. We will not temporarily re-house perpetrators of domestic violence/abuse. We will review all applications from known perpetrators in conjunction with current housing legislation, local housing policies and SDC's allocations procedures. Additionally, we will seek in to remove a joint tenant.

5. Staff and Domestic Violence and Abuse

- 5.1 We will ensure that training on domestic violence/abuse is compulsory for all appropriate staff. Additional training will be provided to those staff experienced in this area who provide support to officers dealing with individual cases.
- 5.2 We will support staff who are involved in dealing with cases of domestic violence/abuse, and ensure that they receive appropriate training to enable them to recognise issues. We will provide appropriate advice, and support to staff dealing with cases of domestic violence/abuse.

- 5.3 All staff should be familiar with SDC's Lone Worker Policy and ensure that the risk of visiting victims and perpetrators of domestic violence/abuse are considered prior to visits.
- 5.4 We acknowledge that SDC staff may also be victims of domestic violence/abuse and we will deal sensitively with those staff in these cases. Where a member of staff is a convicted perpetrator of domestic violence/abuse we will address this through our HR policies.
- 5.5 DVA can impact greatly on an individual's working life affecting their emotional, mental and physical health which interferes with productivity and performance. There are many ways perpetrators can abuse their partner in the workplace including but not limited to constant phone calls, unannounced visits, following to and from work, abusive emails, making false accusations to line managers. However, for some survivors the workplace is a safe haven.
- 5.6 DVA also affects people close to the survivor and this can include work colleagues. Some effects may include:
- Being followed to or from work.
 - Being subjected to questioning about the survivor's contact details or location.
 - Covering for other workers during absence from work.
 - Trying to deal with the abuse and fear for their own safety.
 - Being unaware of the abuse or not knowing how to help.
- 5.7 Employees may have different needs and experience and these should be taken into account, for example:
- Older women are less likely to report their experiences of domestic abuse.
 - Disabled women are more likely to experience domestic abuse and sexual violence than non-disabled women.
 - Ethnic minority women may face additional barriers to accessing support.
 - Lesbian, gay and bisexual women and men can be vulnerable to abusers who undermine their sexuality and threaten to 'out' them to colleagues, employers and family members.
 - Transgender women and men may have fewer services available to them.
 - Men experiencing domestic abuse and sexual violence may find it more difficult to disclose abuse and may find more barriers to accessing support.
- 5.8 Employees have a responsibility to ensure their behaviour at work reflects the aims and values of the Council. Employees are encouraged to inform someone if they are experiencing Domestic Abuse such as their line manager in the first instance, a member of the HR team or a

work colleague. It is also important that the Safeguarding Lead at SDC is made aware as they can provide support and guidance for the employee.

- 5.9 It is important that employees let someone know at SDC as there may be difficulties that may arise if SDC is not aware of the relevant facts and circumstances (for instance if there is a potential health and safety issue or if other action is being taken on performance or sickness absence monitoring). SDC also provide six free counselling sessions for staff to access.
- 5.10 Whilst all support and understanding should be provided to an employee suffering from DVA and reasonable adjustments made to enable them to attend work and perform their role successfully, it does not preclude a manager from taking appropriate action under any formal procedures in the event this is not achieved. In this event advice should be obtained from HR in the first instance.

6. Equality and Diversity

- 6.1 We will ensure that this policy is applied fairly and consistently to all our customers. We will not directly or indirectly discriminate against any person or group of people because of their race, religion/faith, gender, disability, age, sexual orientation or any other grounds set out in our Equality and Diversity policy.
- 6.2 When applying this policy, we will:
- Act with respect and consider the diverse needs of individual and communities.
 - Take positive action to reduce the discrimination and harassment in local communities.

7. Confidentiality and information sharing

- 7.1 In managing cases of domestic violence and abuse, we work with other statutory agencies to share relevant and required information as and when appropriate which helps tackle domestic violence/abuse effectively. We follow the national support framework on information sharing for community safety guidelines laid down by the Home Office.
- 7.2 The type of information shared can vary on a case-by-case basis, but where possible, and in the first instance, we will share anonymised information (where others are not able to identify the individual the details relate to). This is also known as **depersonalised information**. There will be the exception where anonymised information is not possible and **personalised information** (that which can directly identify an individual) needs to be shared in order to achieve the required outcomes.

- 7.3 A documented assessment will be made in each case to decide which type of information needs to be shared and whether the public interest outweighs the rights of an individual (Principle 6 Data Protection Act).
- 7.4 Prior to sharing information, we will ask ourselves whether there is a need to share information; what type of information should be shared and, if it is personalised information, whether it is within the law. Typically, we will take into account the following issues before reaching a decision:
- Is there a need to prevent and/or contain a crime, disorder or other public safety threat?
 - Is it necessary to protect vulnerable people?
 - Is there another way of tackling the problem?
 - In order to remove the ‘threat’, is it necessary to share information with statutory authorities to tackle the problem?
 - If sharing is required, can we share using depersonalised information (both in terms of perpetrator and victim information)? Will it achieve the required outcome? If **not**, what is the minimum amount of personalised information that would need to be shared to achieve the required outcome?
- 7.5 Our commitment to confidentiality extends to all communications. Staff will not produce any communications (internally or externally) that could potentially identify a victim by publishing victim or family names/location of the incident, or the location to which the victim has moved thereby complying with GDPR principles.
- 7.6 Further information on the processing activities of personal identifiable information on individuals and how individuals can go about accessing their information that SDC holds, can be found in our Privacy Policy www.stroud.gov.uk/council-and-democracy/about-the-council/access-to-information/privacy-and-cookie-policy/privacy-notice

8 Monitoring and Accountability

- 8.1 Managers will ensure this policy is promoted, understood and implemented by all relevant employees ensuring consideration is given to any implications arising from policy decisions.
- 8.2 SDC will be responsible for monitoring the effectiveness of this policy and recommending policy changes to improve services and to reflect the changing external environment.
- 8.3 A fundamental review of this policy will be completed within a 2-year period.

COUNCIL

19 DECEMBER 2019

9a

Report Title	RECOMMENDATIONS FROM AUDIT AND STANDARDS COMMITTEE
Purpose of Report	To put recommendations from Audit & Standards Committee for consideration and, if appropriate, approval
Decision(s)	<p>Council RESOLVES that:</p> <ol style="list-style-type: none"> 1. The Audit and Standards Committee's Terms of Reference are approved. 2. An Independent Member is co-opted on to the Audit and Standards Committee on a non-voting basis. 3. The appointment of the Independent Member is delegated to the Audit of Standards Committee. 4. The process for selecting and recommending an appropriate candidate is delegated to the Strategic Director of Resources in consultation with the Chair of Audit and Standards Committee.
Consultation and Feedback	Please refer to the original Committee reports.
Financial Implications and Risk Assessment	<p>Financial implications are limited to the allowance of £550 per year for the Independent Member which can be met from existing budgets.</p> <p>Andrew Cummings, Strategic Director of Resources Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk</p>
Legal Implications	<p>Any legal implications will be set out in the original reports to Audit & Standards Committee.</p> <p>Patrick Arran, Interim Head of Legal Services and Monitoring Officer Tel: 01453 754369 Email: patrick.arran@stroud.gov.uk</p>
Report Author	Patrick Arran
Options	Council can either accept the recommendations of the Audit & Standards Committee, decide to amend the recommendations and / or terms of reference or refuse to accept the recommendations
Background Papers	None
Appendices	Appendix 1 -Proposed Terms of Reference

1. On the 19th of November 2019, Audit and Standards Committee considered two reports submitted by the Chief Internal Auditor. The first under agenda item 7 related to the terms of reference of the Committee, the report can be viewed [here](#). The second report, agenda item 8, related to the proposal to appoint an

Independent Member to the Audit and Standards Committee and can be viewed [here](#).

2. The Committee resolved to recommend to Council the recommendations set out in this report.
3. Council will see from the minutes of the meeting of Audit & Standards that Members of the committee asked the Interim Monitoring Officer to consider the membership of any Standards Sub-Committee as it was felt that the proposed size of the committee was perhaps larger than would be preferable.
4. The suggestion in the terms of reference was for there to be 5 Councillors and 2 Independent Members proportional to the political composition of the Council and two Independent Persons. (Ordinarily the discretionary committee would set up a Sub-Committee from its membership but the Council's Standing Orders reserve the setting up of Sub-Committees to Council.) The quorum is proposed to be three persons present for the duration of the meeting which must include at least one Independent Person.
5. The terms of reference anticipated a larger Sub-Committee on the basis that the Chair of Audit & Standards would be a member of the Sub-Committee but is currently not part of any political group and may therefore be inadvertently precluded by the application of political balance rules.
6. The proposal will be considered by the Constitution Working Group as part of the review of the Constitution, but, subject to allocation of seats in accordance with the political balance rules, there is no reason why Council could not consider a smaller Sub-Committee consisting of 4 elected members and one Independent Person.

Proposed Updated Audit and Standards Committee Terms of Reference - Appendix 1

<p>Audit and Standards Committee</p> <p>The Chair of the Audit and Standards Committee to be drawn from outside the group or groups forming the administration.</p> <p>To include an Independent Member who is not a councillor or an officer of the Council.</p>	<p>(1) Statement of Purpose</p> <ul style="list-style-type: none"> • The Audit and Standards Committee is a key component in the Council’s corporate governance structure ensuring compliance and maintenance of high ethical standards. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. • The purpose of the Committee is to provide independent assurance to Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of the council’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. <p>(2) Governance, Risk and Control</p> <ul style="list-style-type: none"> • To review the Council’s corporate governance arrangements against the good governance framework, including the ethical framework and consider the local Code of Corporate Governance. • To review and approve the Annual Governance Statement (AGS) and consider whether it properly reflects the risk environment, taking into account internal audit’s opinion on the overall adequacy and effectiveness of the Council’s framework of governance, risk management and control. • To consider the Council’s arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. • To consider the adequacy of Council’s framework of assurance i.e. the Three Lines of Defence model. • Undertaking regular monitoring of the Council’s treasury management policies and practices. • To monitor the effective development and operation of risk management in the Council and to monitor progress in addressing risk-related issues reported to the committee. • To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions. • To review the governance and assurance arrangements for significant partnerships or collaborations.
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(3) Ethical Governance / Conduct

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

(4) Internal Audit

- To approve the Internal Audit Charter and Code of Ethics.
- To review proposals made in relation to the appointment of external providers of internal audit services.
- To review and approve the risk-based internal audit plan.
- To approve significant interim changes to the risk-based internal

	<p>audit plan and resource requirements, including significant consulting services not already included in the audit plan, prior to acceptance of the engagement, if this materially impacts on core assurance activity.</p> <ul style="list-style-type: none">• To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.• To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.• To contribute to the Quality Assurance and Improvement Programme (QAIP) and to the external quality assessment of internal audit that takes place at least once every five years.• To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services.• To consider the Head of Internal Audit's annual report and the opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.• To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.• To provide free and unfettered access to the committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee. <p>(5) External Audit</p> <ul style="list-style-type: none">• To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Ltd (PSAA) or the authority's auditor panel as appropriate.• To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.• To monitor management's response to the External Auditor's findings and the implementation of External Audit recommendations.
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Proposed Updated Audit and Standards Committee Terms of Reference - Appendix 1

	<ul style="list-style-type: none"> • To commission work from internal and external audit. • To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies. <p>(6) Financial Reporting</p> <ul style="list-style-type: none"> • To review and approve the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. • To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts. <p>(7) Accountability Arrangements</p> <ul style="list-style-type: none"> • To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions. • To report to full council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose. • To publish an annual report on the work of the Committee. <p>Note: The Committee has the right to require the attendance of any council officers or members in order to respond directly to any issue under consideration. In addition, the Committee has clear rights of access to other committees/functions, for example service committees, risk management group and other strategic groups.</p>
<p>Sub-Committee</p> <p>5 Councillors proportional to the political composition of the Council. Two Independent Persons</p> <p>Quorum of 3 present for its duration which must include at least one Independent Person</p>	<ol style="list-style-type: none"> 1. To receive reports referred from the Monitoring Officer following investigations into complaints against District and Parish Councillors and other steps associated with that function. 2. To conduct standards hearings and all other steps associated with that function in relation to the District and Parish Councils, including the imposition of sanctions for District Councillors and making recommendations on sanctions to Parish Councils taking into account the advice of the Independent Person. 3. If the panel determines that a breach of the Authority's Code of Conduct has occurred, the panel can impose one or more of the following if appropriate:

Proposed Updated Audit and Standards Committee Terms of Reference - Appendix 1

	<ul style="list-style-type: none">a) Censure;b) Report to Council;c) Recommend actions to the Leader of the Council;d) Recommend actions to Group Leader;e) Removal from Outside Bodies;f) Withdrawal of facilities, such as Council email/website/internet access;g) Exclusion from the Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Committees or Sub-Committees and/or nominating a single point of contact; and/orh) Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology. <ul style="list-style-type: none">• To set-up when necessary an interview panel comprising of the lead members of each party to shortlist and interview candidates for the role of Independent Person.• To recommend successful candidates to the Council to be chosen by a majority of Councillors.
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COUNCIL

19 DECEMBER 2019

9b

Audit and Standards Committee – 19 November 2019 (Agenda item 9)

Report Title	HALF YEAR TREASURY MANAGEMENT ACTIVITY REPORT 2019/20
Purpose of Report	To provide an update on treasury management activity as at the first half of the financial year 30/09/2019.
Decision(s)	The Audit and Standards Committee RECOMMENDS that Council APPROVES the treasury management activity half year report for 2019/2020.
Consultation and Feedback	Link Asset Services Limited
Financial Implications & Risk Assessment	There are no financial implications arising directly from this report as it reports on past performance of the Treasury Management function. Andrew Cummings, Strategic Director of Resources Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk
Legal Implications	There are no legal implications arising from this report. Patrick Arran, Interim Head of Legal Services & Monitoring Officer Tel: 01453 754369 Email: patrick.arran@stroud.gov.uk
Report Author	Graham Bailey, Principal Accountant Tel: 01453 754133 E-mail: graham.bailey@stroud.gov.uk
Options	A selection process for longer term investments is in progress.
Performance Management Follow Up	A third quarter report and a full 2019/20 annual report.
Background Papers	None
Appendices	A – Prudential Indicators as at 30 Sept 2019 B – Explanation of prudential indicators

Background

1. Treasury management is defined as: 'The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.'
2. This report is presented to the Audit and Standards Committee to provide an overview of the investment activity and performance for the first half of the financial year, and to report on prudential indicators and compliance with treasury limits. A mid year report is essential under the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management (revised 2017).

Discussion

3. The primary requirements of the Code are:
 - A review of the Treasury Management Strategy Statement (TMSS) and Investment Strategy
 - A review of the Council's investment portfolio for 2019/20
 - A review of the Council's borrowing strategy for 2019/20
 - A review of compliance with Treasury and Prudential Limits for 2019/20
 - Other Treasury issues

Treasury Management Strategy Statement and Investment Strategy update

4. The TMSS for 2019/20 was approved by Council on 21 February 2019. The Council's Investment Strategy, which is incorporated in the TMSS, outlines the Council's investment priorities as follows:
 - Security of Capital
 - Liquidity
 - Yield
5. The Council will also aim to achieve the optimum return on investments commensurate with the proper levels of security and liquidity. In the current low interest rate environment the Council is seeking to invest for longer periods of up to a year, with highly credit rated financial institutions, using Link's suggested creditworthiness approach, which includes a sovereign credit rating and Credit Default Swap (CDS) overlay.
6. Paragraph 4.19 of the TMSS approved on 21 February 2019 stated that financial year 2019-20 would mark the start of the Council taking a more diversified approach to investments, and that the Section 151 officer will consider a range of investments newly introduced within the unspecified category. In line with this a selection process is being conducted by Link for the Council of property and multi-asset funds.
7. A breakdown of the Council's investment portfolio as at 30 September and 30 June 2019 is shown in Table 2 of this report. Investments and borrowing during the year have been in line with the Strategy.

Investment Portfolio 2019/20

8. In accordance with the Code, it is the Council's priority to ensure security and liquidity of investments, and once satisfied with security and liquidity, to obtain a good level of return. The investment portfolio yield for the half year is shown in the table below:

TABLE 1: Average Interest Rate Compared with Benchmark Rates

Period	Investment Interest Earned	Average Net Investment £'000	Average Interest Rate	Benchmark 7 day LIBID	Benchmark 3 month LIBID
01/04/19 - 30/06/19	£98,873	£42,106	0.94%	0.57%	0.68%
01/07/19 - 30/09/19	£102,905	£47,379	0.86%	0.56%	0.64%
Total	£201,778	£44,757	0.90%	0.57%	0.66%

9. Table 2 below shows the investments and borrowing position at the end of September 2019.
10. The approved limits as set out in the Treasury Management Strategy report to Council 21 February 2019 within the Annual Investment Strategy have been complied with during the first half year of 2019/20.
11. Funds were available for investment on a temporary basis. The level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the Capital Programme and canal project. The authority holds £15m core cash balances for investment purposes (i.e. funds that potentially could be invested for more than one year).

TABLE 2: Investments & Borrowing

	Jun 2019 £'000	Sep 2019 £'000
Federated Prime Rate	2,885	3,278
Deutsche	0	1
Standard Life	0	1
Money Market Funds Total	2,885	3,280
Bank of Scotland	0	0
Lloyds	7,983	7,944
Lloyds Banking Group Total	7,983	7,944
NatWest	6000	5011
Royal Bank of Scotland	0	7
RBS Banking Group Total	6,000	5,018
Goldman Sachs	2,000	4,000
Standard Chartered	2,000	2,000
Santander	7,084	3,013
Barclays Bank Plc	7,690	7,700
Svenska Handelsbanken	2	5,416
Toronto Dominion	2,000	2,000
Rabobank Netherlands	2,000	2,000
Other Banks Total	22,776	26,129
Coventry Building Society	2000	2,000
Peterborough City Council	0	2,000
TOTAL INVESTMENTS	<u>£41,644</u>	<u>£46,371</u>
PWLB	103,717	103,717
TOTAL BORROWING	<u>£103,717</u>	<u>£103,717</u>

Borrowing

12. The Council's Capital Financing Requirements (CFR) for 2019/20 is £114.657m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (External Borrowing) or from internal balances on a temporary basis (Internal Borrowing). The Council has external borrowing of £103.717m as at 30 September 2019. There is also £7.750m of internal borrowing.

Compliance with Treasury and Prudential Limits

13. It is a statutory duty for the Council to determine and keep under review the "Affordable Borrowing Limits". Council's approved Treasury and Prudential Indicators are outlined in the approved TMSS.
14. During the period to 30 September 2019 the Council has operated within the treasury limits and Prudential Indicators set out in the Council's TMSS and in compliance with the Council's Treasury Management Practices. The Prudential and Treasury Indicators are shown in Appendix A.

Increasing return on investments

A selection process is being conducted by Link Asset Services on behalf of the Council. A shortlist of Multi-Asset Funds and Property Funds has been produced and a further selection process resulted in the following coming to the Council on 11 October for an officer and cross-party member presentation and interview process.

Property Funds	CCLA Hermes Lothbury
Multi-Asset Funds	CCLA Newton Royal London

Capital Strategy

15. In December 2017, the Chartered Institute of Public Finance and Accountancy, (CIPFA), issued revised Prudential and Treasury Management Codes. As from 2019/20, all local authorities were required to prepare a Capital Strategy which should provide the following: -
- a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
 - an overview of how the associated risk is managed
 - the implications for future financial sustainability
16. Each year the Capital Strategy should be revised. The updated 2020/21 Capital Strategy will be presented to Strategy and Resources Committee, and on to full Council, as part of the budget proposals in early 2020.

Prudential Indicators as at September 2019

Prudential Indicator	2019/20 Indicator £'000	Actual as at 30 June 2019 £'000	Actual as at 30 Sept 2019 £'000
Capital Financing Requirement (CFR)	114,657	111,468	111,468
Gross Borrowing	105,717	103,717	103,717
Authorised Limit for external debt	135,000	103,717	103,717
Operational Boundary for external debt	127,000	103,717	103,717
Principal sums invested > 365 days	15,000	0	0
Maturity structure of borrowing limits			
Under 12 months	25%	0%	0%
12 months to 2 years	50%	1%	1%
2 years to 5 years	75%	2%	2%
5 years to 10 years	100%	0%	0%
10 years and above	100%	97%	97%

Explanation of prudential indicators

Central Government control of borrowing was ended and replaced with Prudential borrowing by the Local Government Act 2003. Prudential borrowing permitted local government organisations to borrow to fund capital spending plans provided they could demonstrate their affordability. Prudential indicators are the means to demonstrate affordability.

Gross borrowing – compares estimated gross borrowing in February 2019 strategy with actual gross borrowing as at 30 June 2019 and 30 September 2019.

Capital financing requirement (CFR) – the capital financing requirement shows the underlying need of the Council to borrow for capital purposes as determined from the balance sheet. The overall positive CFR of £114,657m provides the Council with the opportunity to borrow if appropriate. No external borrowing is planned for 2019/20.

Authorised limit for external debt - this is the maximum limit for gross external indebtedness. This is the statutory limit determined under section 3(1) of the Local Government Act 2003. This limit is set to allow sufficient headroom for day to day operational management of cashflows. This limit has not been breached in the period 1 April 2019 to 30 September 2019.

Operational boundary for external debt – this is set as the more likely amount that may be required for day to day cashflow. This limit has not been breached in the period 1 April 2019 to 30 September 2019.

Upper limit for total principal sums invested for over 365 days – the amount it is considered can prudently be invested for a period in excess of a year. Current policy only permits lending beyond 1 year with other Local Authorities up to a maximum of 3 years.

STROUD DISTRICT COUNCIL
COUNCIL

**AGENDA
ITEM NO**

19 DECEMBER 2019

9c

Report Title	RECOMMENDATIONS FROM ENVIRONMENT COMMITTEE
Purpose of Report	To put recommendations from Environment Committee for consideration and, if appropriate, approval.
Decision(s)	<p>Council RESOLVES:</p> <ol style="list-style-type: none"> 1. To set up an informal round table discussion group to progress strategy around CN2030 on a cross party basis with members to be nominated by each political group. 2. To authorise the Interim Head of Legal Services & Monitoring Officer to affix the common seal to new Byelaws for the regulation of businesses that carry out acupuncture, tattooing cosmetic piercing, semi-permanent skin-colouring, and electrolysis and carry out the necessary procedure and apply to the Secretary of State for confirmation. 3. Subject to the confirmation of the proposed new Byelaws, take such steps necessary to revoke the Council's existing Byelaws relating to acupuncture, tattooing, ear piercing and electrolysis that came into force on 1st August 1986.
Consultation and Feedback	Please refer to the original Committee reports.
Financial Implications and Risk Assessment	<p>There are no financial implications arising.</p> <p>Andrew Cummings, Strategic Director of Resources Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk</p>
Legal Implications	<p>Any legal implications will be set out in the original reports.</p> <p>Patrick Arran, Interim Head of Legal and Monitoring Officer Tel: 01453 754369 Email: patrick.arran@stroud.gov.uk</p>
Report Author	Patrick Arran, Interim Head of Legal and Monitoring Officer
Options	The Council may accept the recommendations, amend the recommendations or decide not to accept the recommendations.

1. At its meeting on the 5th of December, the Environment Committee resolved to make recommendations to Council. This report is to place those recommendations on the Council agenda for consideration.
2. The relevant reports were at agenda items 6 (Carbon Neutral Update) & 12 (Byelaws) and can be accessed [here](#).

Report Title	RECOMMENDATIONS FROM STRATEGY AND RESOURCES COMMITTEE
Purpose of Report	To put recommendations from Strategy & Resources Committee to Council for consideration and, if appropriate, approval.
Decision(s)	Council is RECOMMENDED to consider the recommendations from the Strategy and Resources Committee relating to the Council Tax – Long Term Empty Property Premium and decide whether to adopt them.
Consultation and Feedback	Please refer to original committee report.
Financial Implications and Risk Assessment	Financial implications are set out in detail in the body of the S&R report. In general terms there will be an ongoing Council Tax benefit to the General Fund through an increase in taxbase. Where long term empty properties belong to the HRA this increases the Council Tax bill for those properties and further incentivises the work that is taken place to bring empty units into use. Andrew Cummings, Strategic Director of Resources Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk
Legal Implications	Any legal implications will be set out in the original reports Patrick Arran, Interim Head of Legal and Monitoring Officer Tel: 01453 754369 Email: patrick.arran@stroud.gov.uk
Report Author	Simon Killen, Revenue and Benefits Manager Tel: 01453 754013 Email: simon.killen@stroud.gov.uk
Options	The Council may accept the recommendations, amend the recommendations or decide not to accept the recommendations.

1. At its meeting on the 17th of December, the Strategy & Resources Committee will consider a report in relation to the Long Term Empty Property Premium. Given that the meeting has moved and the final decision has to be made by Council, it is necessary to place this matter on the Council agenda pending the decision of Strategy & Resources Committee.
2. The relevant report can be accessed via [link](#).

Report Title	COMMUNITY GOVERNANCE REVIEW AMENDED RECOMMENDATIONS
Purpose of Report	To put an amended recommendation arising from the Community Governance Review to Council for consideration and, if appropriate, approval.
Decision(s)	<p>It is RECOMMENDED that Council:</p> <ol style="list-style-type: none"> 1. Approve the amendment to the recommendation to Kingswood Parish Council and Wotton-under-Edge Town Council boundary following the Community Governance Review; 2. To authorise the Democratic Services and Elections Manager to request the Local Government Boundary Commission for England to make a related alteration order to change the district ward boundary; and 3. To authorise the Interim Head of Legal Services to make a reorganisation or community governance order to implement the change if agreed by Council.
Consultation and Feedback	A full consultation process took place during the Community Governance Review and subsequently, consultation and mediation has been carried out with Kingswood Parish Council and Wotton-under-Edge Town Council. The amended recommendation has been considered by the Working Group who commend it to Council.
Financial Implications and Risk Assessment	<p>There are no financial implications arising from this report.</p> <p>Andrew Cummings, Section 151 Officer Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk</p>
Legal Implications	<p>Any legal implications were set out in the report considered by Council on the 18th of July 2019. There are no additional legal implications arising from the amended recommendations.</p> <p>Patrick Arran, Interim Head of Legal and Monitoring Officer Tel: 01453 754369 Email: patrick.arran@stroud.gov.uk</p>
Report Author	Patrick Arran, Interim Head of Legal and Monitoring Officer
Options	Given the circumstances set out in the report, the firm advice is that the only feasible option is to accept the recommendation which has been agreed between Kingswood Parish Council and Wotton under Edge Town Council. However, Council could refuse to change the recommendation it made on the 18 th of July 2019.

1. On the 18th of July 2019 Council considered a report in relation to a Community Governance Review which had been undertaken for the whole of the District. A decision was made to transfer the area referred to as Wotton under Edge South Ward (Also referred to as K5) into Kingswood Parish. At the meeting, the Ward Councillors from Wotton-under-Edge moved an amendment which would have removed the areas in which the Wotton Community Sports Foundation and Katharine Lady Berkeley's School were situated from the area consisting of K5, but the proposed amendment was lost.
 - 1.1 Councillor Reeves proposed an amendment, the effect of which was that Wotton-under-Edge Town Council would have retained the land which consists of the Sports Foundation but this amendment was also lost. Council then went on to make the recommendation set out in the report.
 - 1.2 The Council subsequently received a Judicial Review pre-action protocol letter from solicitors instructed by Wotton-under-Edge Town Council challenging the decision made by Council on the basis of a suggestion that the Council had not consulted properly in accordance with legal requirements. This was not accepted by the Council and a robust response was sent which refuted the allegations made in the letter. However, as is usual in such matters, and in an effort to avoid incurring costs for two public bodies, officers offered to seek to resolve the dispute by attempting mediation.
 - 1.3 This was agreed by solicitors acting for Wotton-under-Edge Town Council and no court proceedings were issued. Whilst it was not a party to the dispute, Kingswood Parish Council agreed to assist the Council to resolve the dispute, if possible.
 - 1.4 A mediator was appointed and the parties attended a mediation meeting on the 2nd of December. The mediation was successful and a compromise position was reached. The basis of the agreement is that the land containing Wotton Community Sports Foundation, together with a triangular parcel of land adjacent to Katharine Lady Berkeley's School would be retained in Wotton-under-Edge Town Council. A map is attached at Appendix 1 showing the area which is hatched red and highlighted yellow.
 - 1.5 The legal position is that Council has already made a statutory recommendation in accordance with the requirements of the legislation. In order to give effect to the agreement reached between the parties, an amended recommendation must be approved by Council and the purpose of this report is to ask Council to do this.
 - 1.6 The advice of the Interim Head of Legal Services and the Democratic Services and Elections Manager is that the amended recommendation satisfies the statutory criteria in Section 93 (4) of the Local Government and Public Involvement in Health Act 2007 in that the recommendation has regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.

Kingswood and Wotton-under-Edge boundary amendment

