

Report To:	AUDIT COMMITTEE
Date:	28 NOVEMBER 2024
Heading:	PROSECUTION POLICY UPDATE
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

Robust Corporate Governance ensures organisations are doing the right things in the correct manner in an open, honest, inclusive and accountable way. Good governance leads to good management, performance and outcomes. The report recommends revising the following policy:

- Prosecution Policy

Recommendation(s)

Committee is asked to:

- **Approve the minor changes to the Prosecution Policy in accordance with the draft attached to the report at Appendix 1.**

Reasons for Recommendation(s)

The Prosecution Policy forms part of the Council's Corporate Governance arrangements. Fraud and Corruption are serious issues which can affect the services the Council provides, undermine the achievement of corporate objectives and impact upon the public's confidence in the integrity of Council Officers and Elected Members. The Council is therefore committed to the prevention, detection and investigation of all forms of fraud and corruption whether these are attempted from within or external to the organisation. The Council is committed to creating an environment that is based on the prevention of fraud and corruption. This is achieved by promoting openness and honesty in all Council activities.

The Prosecution Policy sets out the broad principles that will guide prosecutions in relation to fraud and corruption as well as applying to all other statutory and regulatory functions for which the Council, within its administrative area, it is the relevant enforcing authority.

To ensure the Prosecution Policy is reviewed regularly and kept up to date.

Alternative Options Considered

The Committee may consider alternative changes to the draft Prosecution Policy which must be in accordance with the law and Council procedures.

Detailed Information

The Prosecution Policy is reviewed every 2 years and was last updated and approved by this Committee in March 2022. The Prosecution Policy sets out broad principles which will guide criminal enforcement and prosecutions. The Policy seeks to provide consistent guidelines for making decisions to prosecute.

The Council is committed to the highest possible standards of probity and accountability. It is committed to defending the public purse and the public at large subject to consideration of the factors set out in the Prosecution Policy. The Council has a presumption in favour of prosecution against perpetrators of criminal conduct if there is sufficient evidence to initiate a prosecution and taking such action is in the public interest. The Council will treat each case on its own merits. The Prosecution Policy which appears at Appendix 1 has been reviewed and some minor amendments shown as tracked changes are recommended, these are not substantive changes to the principles in the Policy.

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are:

- People Focussed
- Honest
- Proud
- Ambitious

It is important that the Council has the most effective infrastructure and support to enable:

- The delivery of the Corporate Plan
- Financial sustainability to continue to deliver key services
- A productive workforce that delivers services well

Legal:

The policy attached to this report for approval details the relevant legislation. [RLD 30/10/2024]

Finance: There is no financial implications of this report. [AP 22.10.2024]

Budget Area	Implication
General Fund – Revenue Budget	
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation

Human Resources:

There are no Human Resource issues identified in the report.[KB 06.11.24]

Environmental/Sustainability:

There are no Environmental/Sustainability issues identified in the report or the policy reviewed.

Equalities:

There are no equalities issues identified as a direct result of the report. Equalities issues would be considered as part of any investigation.

Other Implications:

none

Background Papers

Appendix 1 – draft Prosecution Policy

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