

# Council Meeting

**The Old Library, Town Hall, High Street,  
Colchester, CO1 1PJ  
Thursday, 01 December 2022 at 18:00**

# Information for Members of the Public

## Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

## Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

<https://colchester.cmis.uk.com/colchester/HaveYourSay.aspx>.

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## Access

There is wheelchair access to the Old Library from West Stockwell Street. There is an induction loop in all the meeting rooms.

## Facilities

Toilets are located in the entrance lobby just outside the Old Library.

## Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester City Council

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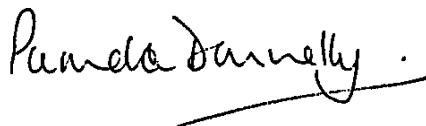
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**COLCHESTER CITY COUNCIL**  
**Council**  
**Thursday, 01 December 2022 at 18:00**

**TO ALL MEMBERS OF THE COUNCIL**

**Published 29/11/2022**

**You are hereby summoned to attend a meeting of the Council to be held on Thursday, 01 December 2022 at 18:00 for the transaction of the business stated below.**



**Chief Executive**

**AGENDA**  
**THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING**  
**(Part A - open to the public)**

**Please note that the business will be subject to short breaks at approximately 90 minute intervals.**

**Live Broadcast**

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

**1 Welcome and Announcements (Council)**

The Mayor will welcome members of the public and Councillors and will ask the Chaplain to say a prayer. The Mayor will explain the procedures to be followed at the meeting including a reminder everyone to use microphones at all times when they are speaking, but otherwise keep microphones muted.

**2 Have Your Say! (Council)**

Members of the public may make representations to the meeting on any item on the agenda or any other matter relating to the business of Council. Members of the public may register their wish to address the Council by e-mailing [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk) by 12.00 noon on the working day before the meeting. However, advance registration is not mandatory and members of the public may register to speak in person immediately before the meeting.

**3 Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

**4 Minutes of the Previous Meeting (Council)**

A... Motion that the minutes of the meeting held on 19 October 2022 be confirmed as a correct record.

**Council minutes 191022**

9 - 20

**5 Mayor's Announcements**

The Mayor to make announcements.

**6 Items (if any) referred under the Call-in Procedure (Council)**

The Council consider any items referred by the Scrutiny Panel under the Call-in Procedure because they are considered to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.

**7 Recommendations of the Cabinet, Panels and Committees**

Council will consider the following recommendations:-

**7(i) Officer Pay Policy Statement 2023-24**

21 - 22

B... Motion that the recommendation contained in draft minute 706 of the Cabinet meeting of 16 November 2022 be approved and adopted.

**7(ii) Nomination for Deputy Mayor 2023-24**

23 - 24

C... Motion that the recommendation contained in draft minute 708 of the Cabinet meeting of 16 November 2022 be approved and adopted.

**7(iii) Review of the Council's Ethical Governance Policies**

25 - 26

D... Motion that the recommendation contained in draft minute 337 of the Governance and Audit Committee meeting of 22 November 2022 be approved and adopted.

**7(iv) Review of the Local Code of Corporate Governance**

27 - 28

E... Motion that the recommendation contained in draft minute 340 of the Governance and Audit Committee meeting of 22 November 2022 be approved and adopted.

**8 Notices of Motion pursuant to the provisions of Council Procedure Rule 11**

Council will consider the following Motions:-

(Note: The maximum length of time for the consideration of all such motions shall be 80 minutes. In the event that a motion is still being debated when the 80 minutes have elapsed the Mayor shall invite the proposer of the motion to respond to the debate and then move straight to the vote.)

**8(i) Waste and Recycling Services in Highwoods**

Motion F

Proposer: Councillor Law

*This Council notes:*

*Highwoods residents have not been formally consulted by the Council on how their waste and recycling is collected since 2016.*

*Residents have been frustrated by previous local surveys that have not provided an online option to respond.*

*Highwoods residents deserve to have clean and tidy streets.*

*Simpler and uniform collection services deliver better value for residents and local council taxpayers, improve recycling rates and reduce waste sent to landfill*

*This Council resolves:*

*To give Highwoods residents the option to make their views known on how their waste and recycling collections are delivered in the future.*

As the subject matter relates to an executive function, on being proposed the motion shall stand referred to Cabinet unless Council Procedure Rule 11(2) is suspended.

**8(ii) Electoral System**

Moton G

Proposer: Proposed jointly by Councillors Laws, Fox and King

*This Council notes the Local Government Peer Review recommendation to consider changing our Council electoral system which could create savings in years when there is neither a General, County or PFCC election.*

*It is essential that this Council has a strategic, long-term approach to policy and decision-making. This can be provided under any electoral cycle, but only if the budget and strategic plans of the budget are robust, sustainable, and supported cross-party.*

*This Council resolves to explore the alternative electoral arrangements, whether as now or 'All Up', or a variation. The*

*Council will set up a cross party working group to explore all options with findings to be presented to Full Council in February. Council can then review findings collectively and discuss next steps forward. The Council further commits to securing widespread and cross-party support for the budgets and plans of this Council, as an assurance for residents, officers and our partners.*

As this motion relates to non-executive functions it will be debated and determined by Council.

**9 Questions to Cabinet Members and Committee Chairs pursuant to Council Procedure Rule 10**

Cabinet members and Committee Chairs will receive and answer pre-notified questions in accordance with Council Procedure Rule 10(1) followed by any oral questions (not submitted in advance) in accordance with Council Procedure Rule 10(3).

(Note: a period of up to 60 minutes is available for pre-notified questions and oral questions by Members of the Council to Cabinet Members and Chairs (or in their absence Deputy Chairs)).

(i) Councillor Smithson to Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste:-

*Could the Portfolio Holder for Neighbourhood Services and Waste please advise Council:-*

- 1. What contingency plans have been put into place to ensure waste collections are maintained should waste operatives be laid low by Covid and/or seasonal colds/flu?*
- 2. What contingency plans have been put in place to ensure the continuation of waste collection should waste operatives take industrial action resulting in withdrawal of their labour?*
- 3. What is the estimated cost of these plans should they need to be invoked?*

**10 Schedule of Portfolio Holder Decisions**

29 - 32

Council is invited to note the Schedule of Portfolio Holder decisions for the period 6 October 2022 - 18 November 2022.

**11 Urgent Items (Council)**

Council will consider any business not specified in the Summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.

**12 Reports Referred to in Recommendations**

The reports specified below are submitted for information and referred to in the recommendations specified in item 7 of the agenda:

**Officer Pay Policy Statement, report to Cabinet, 16 November 2022** 33 - 48

**Review of Council's Ethical Governance Policies, report to Governance and Audit, 22 November 2022 (1)** 49 - 154

**Review of Local Code of Corporate Governance, report to Governance and Audit Committee, 22 November 2022 (1)** 155 - 196

**13 Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B**  
**(not open to the public including the press)**





# Council

Wednesday, 19 October 2022

**Attendees:**

Councillor Tracy Arnold, Councillor Lewis Barber, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Molly Bloomfield, Councillor Michelle Burrows, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Mark Cory, Councillor Pam Cox, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Mike Hogg, Councillor John Jowers, Councillor David King, Councillor Richard Kirkby-Taylor, Councillor Darius Laws, Councillor Sue Lissimore, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McLean, Councillor Patricia Moore, Councillor Sara Naylor, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Chris Pearson, Councillor Kayleigh Rippingale, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Paul Smith, Councillor Rhys Smithson, Councillor Michael Spindler, Councillor William Sunnucks, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

**548 Prayers**

The meeting was opened with prayers from Elizabeth Akinyemi from Divine Assembly Ministries.

**549 Apologies**

Apologies were received from Councillors Davidson, Law, Lilley, Luxford Vaughan, McCarthy and Nissen.

**550 Have Your Say!**

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to ask the Leader of the Council what plans the Council had for a permanent structure to commemorate City Status.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and

explained that the Council was exploring this. The Council wanted to have commemorate City Status appropriately. It would discuss this issue with Sir Bob and others.

Nick Chilvers addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to ask Council to request that the Portfolio Holder for Infrastructure press borough and county planners for a better bus station as part of the forthcoming Masterplan. This was a matter that impacted on the whole borough. There were frequent complaints about the present arrangements in local media. This was a more important issue than the provision of cargo bikes, which had been promoted in the publicity around the Masterplan. There was some concern that planners were resistant to an improved bus station as it would stymie the development plan. There needed to be an improved facility with decent waiting facilities, and facilities for drivers. Unless the borough championed this, Essex County would provide the bare minimum. Bus users needed to be assured that this was on the agenda for any major planning discussions and that the Council was lobbying Essex County Council on the matter. Most Councillors had been silent on the issue and residents needed to know whether at some point in the future they could expect a better facility. This should have been made clear in the press release on the Masterplan.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that the Council had received over 1800 responses to the Masterplan and the Council was taking the issue seriously. The issue needed to be looked at in a wider context that took account of what could be done and when, and that looked at the qualities and requirements of Colchester as a city. The Council was aware of concerns on this issue.

Roger Mannion addressed Council pursuant to the provisions of Council Procedure Rule 6(1) about Tiptree and to express his concern that he believed that rural areas in general, and Tiptree in particular, were poorly supported by the Council. There was little in the Future of Colchester or the Masterplan to give comfort to the rural areas, and City Status would also be of little benefit and was of limited relevance to Tiptree. Resources in the village were poor, as were transport links. Until recently, the sports facilities had also been poorly run. Medical facilities were not keeping pace with population growth. Whilst it was appreciated that some of these issues were beyond the Council's remit, support from the Council to help the Parish Council fight its corner would be welcomed. The next Council meeting should include an item to allow a debate on the impact of Colchester centric planning on the remoter rural areas and what could be done to improve this.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that a number of these issues were the responsibility of Essex County Council. The Council used its influence with the County on these issues. It was appreciated that there was a risk and a past pattern in focusing on the town centre but in the work going forward he would be looking to collaborate with all partners. This might mean a different

relationship with town and parish councils with the Council playing a more enabling role. A rural prosperity grant scheme was being established by government, which provide opportunities for funding for rural areas. This would be administered locally by the Council and he would listen to views of members across the Council as to how this could best be utilised.

The Mayor explained that it was not for the Leader of the Council to set the agenda for Council meetings but Councillor Mannion could submit a motion to the next meeting of Council.

#### **551 Minutes of the Previous Meeting (Council)**

*RESOLVED* that the minutes of the meetings held on 23 June 2022, 4 July 2022 and 13 July 2022 be confirmed as a correct record.

#### **552 Mayor's Announcements**

The Mayor welcomed Councillor Sara Naylor to Council and announced the following events:-

- The Oyster Feast on 28 October 2022.
- The Council meeting for the award of City Status on 23 November 2022, including a procession from the Mercury Theatre.
- The Mayor's Charity Quiz on 25 November 2022 at Greenstead Community Centre.
- Ghost Stories in the Civic Suite on 6 December 2022.
- A reading of "A Christmas Carol" by Anthony Roberts in the Civic Suite on 13 December 2022.

#### **553 2021/22 Year End Review of Risk Management**

*RESOLVED (UNANIMOUS)* that the recommendation in draft minute 684 of the Cabinet meeting of 7 September 2022 be approved and adopted.

**554 Local Government Association Model Code of Conduct**

*RESOLVED (UNANIMOUS)* that the recommendation contained in minute 320 of the Governance and Audit Committee meeting of 26 July 2022 be approved and adopted.

**555 Scrutiny Panel Annual Report**

*RESOLVED (UNANIMOUS)* that the recommendation contained in minute 360 of the Scrutiny Panel meeting of 5 July 2022 be approved and adopted.

**556 Statement of Licensing Policy for Sex Establishments**

*RESOLVED (UNANIMOUS)* that the recommendation contained in minute 157 of the Licensing Committee meeting of 20 July 2022 be approved and adopted.

**557 Revised Committee Allocations**

*RESOLVED (UNANIMOUS)* that:-

(a) In accordance with the provisions of the Local Government and Housing Act 1989 the number of seats, group representation and membership of the Governance and Audit Committee, Policy Panel, and Scrutiny Panel (including Crime and Disorder Committee) for the remainder of the current municipal year be on a Group basis and be as set out in the Supplementary Information for this meeting.

(b) In accordance with the provisions of section 17 of the Local Government and Housing Act 1989 the number of seats, group representation and membership of the Licensing Committee, Local Plan Committee, Planning Committee and Environment and Sustainability Panel for the remainder of the current municipal year shall not be on a Group basis and be as set out in the Supplementary Information for this meeting.

**558 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10**

Questioner	Subject	Response
Oral questions		

Councillor Willetts	Would the Portfolio Holder for Culture and Heritage publish a lexicography that defined the meaning of the terms to be used in the debate on City Status at the Council meeting on 23 November 2022?	Councillor Cox, Portfolio Holder for Heritage and Culture, indicated the motion that would be debated at the meeting on 23 November 2022 was in respect of changing the name of the Council.
Councillor Scordis	<p>Following the fines issued to Anglia Water for illegal sewage disposals in Cambridgeshire, would a similarly robust approach be taken in Colchester and in particular would issues relating to odour from the sewage works in the Hythe be tackled?</p> <p>Could the reporting of incidents be made easier for residents?</p>	<p>Councillor Goss, Portfolio Holder for Neighbourhoods and Waste explained that there was insufficient evidence for an odour abatement notice and therefore the Council was unable to take enforcement action on this issue. The number of complaints received in 2022 was less than in previous years. Officers continued to liaise with the sewage works. The Environment Agency was responsible for enforcement on discharges into the River Colne. It was vital for residents to continue to report concerns.</p> <p>Improvements had been made to the Northgate system to make it more user friendly and easier for residents to report issues.</p>
Councillor Laws	Would the Leader of the Council share his views about issues arising out of the recent Peer Review?	Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that the administration had been open about the process and the conclusions of the Peer Review team. It had looked at the effectiveness of the organisation and provided challenge at a particularly testing period. Feedback from senior leaders in the sector was invaluable. The final report would be shared, and a collaborative approach would be taken in

		responding to the recommendations.
Councillor Pearson	Following the approval of the Code of Conduct earlier in the meeting, did the Leader of the Council agree that the reference to Chairman in the title of this item in the agenda, was contrary to the sentiments on equality in the Code of Conduct, and that gender neutral terminology should be used in all Council matters?	Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that he supported the principles of the Code of Conduct. He supported the use of gender neutral terminology but appreciated that there were other views and that members should give each other some latitude on the issue.
Councillor Barber	Following the success of the Digigo scheme in Chelmsford and Braintree, would the Council consider the use of section 106 funds the Rural Prosperity Fund for the development of the scheme in Colchester?	Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated he would consult the relevant Portfolio Holder and arrange for a written response to be sent.
Councillor Barber	Would the Portfolio Holder for Resources provide an update on the capital programme? Was it likely that any projects would be cancelled this financial year, given the wider financial situation?	Councillor Cory, Portfolio Holder for Resources, explained that this had been discussed in detail at the Governance and Audit Committee on 18 October 2022. The comparatively low spend to date this year had been explained. Given the scale of the capital programme it was particularly at risk through issues such as workforce and inflation. The issue had also been picked up in the Peer Review. A complete review of the capital programme would be undertaken and the views of all Councillors would be welcomed. It was understood that the programme may need to be scaled down in the current climate. No projects had been stopped at this point.

Councillor G. Oxford	<p>Could the Leader of the Council provide a response to the questions on environmental issues he had e-mailed on 2 September 2022?</p> <p>He would not be attending the Council meeting on 23 November as he was unable to access the Moot Hall. He had been informed that the Council was awaiting a critical component for the lift which would not be received until the new year. He had not been able to use the lift on medical advice since May and this was the first Full Council he had had the opportunity to ask questions of the administration, so he relied on e-mails. He had also been informed that even when the part was fitted there was no guarantee that it would not break down in future.</p>	<p>Councillor King, Leader of the Council and Portfolio Holder for Strategy, apologised and indicated he would arrange for the information requested to be sent.</p> <p>Pam Donnelly, Chief Executive, was invited to address issues on access to the Moot Hall and indicated that she had been in private correspondence with Councillor Oxford on the issue, which she was not in a position to disclose. The Council was awaiting a part for the lift. The Council had commissioned a review of the safety of the lift and had received assurances that the lift was safe and accessible. There was a minor problem with accessing lift from the first and second floors. It was not appropriate to go into individual circumstances in this forum. In the meantime, where possible a work around was sought through moving meetings to alternative venues.</p>
Cllr G. Oxford	<p>Did the Cabinet have any plans to redistribute section 106 contributions so that they did not specifically benefit the wards where the development occurred?</p>	<p>Councillor J. Young, Portfolio Holder for Housing and Communities, explained that the Scrutiny Panel would be looking at issues relating to section 106 contributions at its meeting in November.</p>
Cllr Hagon	<p>Could the Portfolio Holder for Neighbourhoods and Waste, investigate whether it was possible for residents in Stanway to be given a choice in how their waste was collected, so that</p>	<p>Councillor Goss, Portfolio Holder for Neighbourhoods and Waste, explained that work was underway on a new Waste Strategy. A report on this would be submitted to the Environment and Sustainability</p>

	those who were not on wheeled bin routes would have their waste collected from a wheeled bin, if they provided their own bin?	<p>Panel shortly. In addition, Essex County Council were looking to increase recycling rates across Essex to 70%. The future of the waste service would be set out in the new Waste Strategy, which should come into effect in mid-2023. It would look at all parts of the waste service and all streams of waste. This would include collection. The non-wheeled bin collection vehicles did have the capacity to be converted into wheeled bin trucks. There were 17,000 properties on wheeled bin routes and this was only likely to increase in Mile End.</p> <p>It was not possible to have mixed collection routes for operational health and safety reasons.</p>
Councillor Warnes	Would the Chair of the Scrutiny Panel ask the Panel to include an item on its work programme relating to the maintenance of pavements by Essex County Council in the Town Centre.	Councillor Willetts, Chair of the Scrutiny Panel, indicated that every agenda of the Panel included an item where members of the Panel or visiting Councillors could ask the Committee to consider adding any relevant issue to its work programme. It was for the Committee to consider such requests based on the information put forward. The member making the request should prepare a brief note to the Committee clerk setting out the relevant details and the Mayor requested that the note of this question be forwarded to the Panel to consider.
Councillor Naylor	The Peer Review had identified City Status as a significant opportunity to take advantage of.	Councillor Fox, Portfolio Holder for Local Economy and Transformation, explained that that



	How would it be used to generate prosperity and opportunity, and could an update be provided on the work to achieve City Status?	the administration was already considering how to take forward the Peer Review recommendations. City Status was a fantastic opportunity for all of Colchester. A plan was being prepared for the legacy of City Status and he wanted to work with Councillors cross party to ensure the full benefits were realised and were spread across the borough. A definitive date for the publication of the plan could not be given at this stage as the it was dependent on the receipt of the final report from the Peer Review team.
Councillor McLean	Could the Portfolio Holder for Heritage and Culture outline the benefits of City Status?	<p>Councillor Cox, Portfolio Holder for Heritage and Culture, explained that a collaborative approach with residents and partners would be taken. A three pronged approach was being taken:</p> <ul style="list-style-type: none"> <li>• The formal civic celebration on 23 November.</li> <li>• The curation of a year of events under the aegis of the Visit Colchester Team to highlight heritage and cultural assets. This should lead to increased tourism.</li> <li>• Some longer legacy planning, which should provide an opportunity to lever in new investment.</li> </ul>
Councillor Smithson	In view of the issues raised about access to the Town Hall for members to attend civic events, could the Portfolio Holder provide a reassurance that the Council followed section 20 of the Equalities Act, given that it had not made reasonable	Councillor Cory, Portfolio Holder for Resources, explained compliance with the Equalities Act was of crucial importance to the Council. It was important that the Town Hall was as accessible as possible. As the Chief Executive had explained the Council was doing all it could to

	adjustments, and that it had not inadvertently breached rule 14(17)(b) of the Council Procedure Rules?	make the Town Hall accessible and it believed that it was accessible at the present time. It was also seeking to ensure that as far as possible all personal requirements were met. The Council was complying with the requirements of the Equalities Act 2010.
Councillor Harris	Could the Portfolio Holder for Neighbourhoods and Waste provide an update on the differing interpretation of Colchester Borough Council and Essex County Council on the recent direction from the Environment Agency on the disposal of old sofas?	Councillor Goss, Portfolio Holder for Neighbourhoods and Waste, explained that the service for the collection of old sofas had been restored after taking further advice.
Councillor Harris	Would the Portfolio Holder for Local Economy and Transformation support an east-west bus service, which would help improve access to businesses such as Stane Park, and would he work with Essex County Council to provide it?	Councillor Fox, Portfolio Holder for Local Economy and Transformation, explained that Colchester now had a multi-centre economy and it was important that infrastructure, including bus services, supported this. There were already concerns about the adequacy of the car parking at Stane Park so it was important that there were public transport and Active Travel routes to support it. He would work with Essex County Council and bus companies to see if an east -west route was viable.
Councillor B. Oxford	The Council was not complying with the Disability Discrimination Act in respect of Cllr G. Oxford's access to the Town Hall. Why had the Council not moved meetings to accessible venues to enable his access?	Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that this issue had already been addressed in responses to earlier questions. The Council had approached the issue in the spirit of trying to ensure accessibility. The Council believed that the Town Hall was accessible,

		although it was appreciated that there were other personal circumstances which impacted on the issue.
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## 559 Schedule of Portfolio Holder Decisions

*RESOLVED* that the Schedule of Portfolio Holder decisions for the period 3 July 2022 – 5 October 2022 be noted.



**Extract from the draft minutes of the Cabinet meeting of 16 November 2022**

**706. Officer Pay Policy Statement 2023/24**

The Assistant Director, Corporate and Improvement Services, submitted a report a copy of which had been circulated to each Member.

Councillor Cory, Portfolio Holder for Resources, introduced the report. All local authorities were required to publish an officer pay policy statement on an annual basis. It set out all pay and benefits for every employee of the Council.

Cabinet members drew particular attention to the Council's commitment to the Living Wage. A significant number of staff and contractors were paid the Living Wage, which was set independently by the Living Wage Foundation and was calculated according to the basic cost of living. It was important that the Council continued to show leadership on this issue and continued to promote Colchester as a Living Wage city.

*RECOMMENDED TO COUNCIL* that the Officer Pay Policy Statement 2023/24 be approved and adopted.

*REASONS*

The Localism Act requires "authorities to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce, which must be approved by full Council annually. An authority's pay policy statement must be approved by a resolution of that authority before it comes into force

*ALTERNATIVE OPTIONS*

The only alternative would be to not recommend the approval of the Pay Policy Statement, but that would be contrary to the requirements of the Localism Act.



**Extract from the draft minutes of the Cabinet meeting of 16 November 2022**

**708. Nomination for Deputy Mayor 2023-24**

Consideration was given to the nomination for the appointment of the Deputy Mayor of the Borough of Colchester for the 2023-24 municipal year.

Councillor Goss nominated Councillor Scott-Boutell for appointment as the Deputy Mayor of the Borough of Colchester for the 2023-24 municipal year. Councillor Scott-Boutell had been elected to Council in 2002 and was next in line for appointment as Deputy Mayor. Residents of Stanway would be delighted that Stanway would be honoured in this way.

Councillor Fox indicated that the Labour Group supported the nomination. Councillor Scott-Boutell did a fantastic job representing the residents of Stanway and as Deputy Mayor and then Mayor would stand up for all of Colchester.

*RECOMMENDED TO COUNCIL* that Councillor Scott-Boutell be appointed as the Deputy Mayor of the Borough of Colchester for the 2023-24 municipal year.





**Extract from the minutes of the meeting of the Governance and audit Committee meeting of 22 November 2022**

**337. Review of the Council's Ethical Governance Policies**

The Committee considered a report requesting that it review Colchester Borough Council (the Council)'s updated Ethical Governance policies. These were the key policies which set out the standards of conduct and integrity that the Council expects of councillors, staff, partners, suppliers and customers when conducting Council business. They contained procedures for dealing with breaches of the policies and processes to be followed.

Andrew Weavers, Strategic Governance Manager and Monitoring Officer, attended the meeting to introduce the report, and assist the Committee in its deliberations. The Committee heard that breaches of the Policies would be pursued, and procedures were in place to enable any person to raise genuine concerns about the conduct of anyone acting for or on behalf of the council. The Committee had last considered the Council's Ethical Governance Statement at its meeting in November 2021, and an updated Statement was presented to the Committee which had been amended to take account of changes to the leadership of the Council.

The Ethical Governance Policies had last been considered by this Committee in November 2021, and the Policies had subsequently been approved by Full Council and adopted into the Council's Policy Framework. The attention of the Committee was drawn to information in the Officer's report showing the number of times the Policies had been invoked in recent years, and none of the Policies had been invoked in the past year. The Policies had been reviewed, and it was confirmed that they were up to date, reflected best practice and remained fit for purpose. An additional Policy, the ICT Password Policy was included in this years review and would form part of the Ethical Governance suite of Policies in future years.

The Committee heard that the Monitoring Officer wrote annually to Councillors and Officers, reminding them of their responsibilities in respect of the Anti-Fraud and Corruption and Whistleblowing Policies, and training had been provided recently on data protection and cyber security. The Council's internal auditors had reviewed all the Policies, and were satisfied that they remained fit for purpose and up to date.

The Income and Debt Management Policy had been reviewed by the Council's Customer Team, and an amendment had been made to this to reflect the fact that the Council was a referring partner to the Money and Pension Services, which would help and support customers who were in debt. The Council complied with the governments

'Breathing Space' scheme in relation to managing debt, and write-off limits had been increased for Officers and Managers, and it was hoped that these changes would assist customer during the current cost of living crisis.

A Committee member requested that every Policy reflected the up to date name of the Council, should it be changed to Colchester City Council at the forthcoming Full Council meeting, and suggested that the use of job titles, and not staff names, be used throughout the documents to ensure that the Policies remained current if there was a change in the holder of a role.

A Committee member expressed surprise that none of the IT Policies had been invoked during the past three years, and requested some more detail on what sort of checks and tests had been carried out during this time.

*RESOLVED* that:

- It be recommended to Full Council that it adopts the statement of intent in relation to ethical governance.
- The following revised policies had been reviewed:
  - Anti-Fraud and Corruption Policy
  - Whistleblowing Policy
  - Anti-Money Laundering Policy
  - Covert Surveillance Policy
  - Data Protection Policy
  - Acceptable Use Policy
  - Information Security Policy
  - Retention Policy
  - Processing of Special Category & Criminal Convictions Personal Data Policy
  - Password Policy
  - Income and Debt Management Policy

and that it be recommended to Full Council that they be approved for inclusion in the Council's Policy Framework.

**Extract from the minutes of the meeting of the Governance and Audit Committee meeting of 22 November 2022**

**340. Review of the Local Code of Corporate Governance**

The Committee considered a report requesting it to review the Local Code of Corporate Governance for 2022/23. The Local Code of Corporate Governance was how the Council demonstrated that its structures comply with the recognised principles of good governance.

Hayley McGrath, Corporate Governance Manager, attended the meeting to present the report and assist the Committee in its deliberations. Colchester Borough Council (the Council) had adopted a Local Code of Corporate Governance which ensured that its activities were carried out in an open and fair manner, and in accordance with the six core principles set out in guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE), which were:

- Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area;
- Councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
- Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
- Developing the capacity and capability of members and officers to be effective; and
- Engaging with local people and other stakeholders to ensure robust public accountability.

The Code set out what actions had been taken to comply with the six principles, and these actions had been reviewed by senior Officers to ensure that they remained relevant to the current work of the Council. The Local Code had been updated to reflect the delivery of the strategic plan 2020-23 and Cabinet's vision and priorities, along with details of the peer challenge, the People Strategy, apprenticeship programme for staff, the creation of a central site for council data and provision of cost of living resources. Details of the newly created staff engagement group, 'Speak up Now', were also provided. Otherwise, there had been no significant changes to the Local Code following the review, and it was considered still fit for purpose.

A Committee member welcomed the Code, and considered that personal development plans for Councillors should be referenced in it. The Committee was advised that work in relation to the development of personal development plans for Councillors was ongoing with the Member Development Group, and it was anticipated that a formal structure for administering these would be in place soon. The Committee considered that personal development for all staff and Councillors was of key importance.

*RESOLVED* that:-

- the updated Local Code of Corporate Governance for 2022/23 had been reviewed,
- it be recommended to Full Council that the Local Code of Corporate Governance be approved for inclusion in the Council's Policy Framework.

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
6 October 2022 – 18 November 2022**

Portfolio – Culture and Heritage					
Date	Number	Report Title	Author	Decision	Result
26 October 2022	CUL-001-22	Mid Year fees and Charges for Museums	Frank Hargrave, Pippa Pickles	To increase charges mid-year, to include Castle admission, Castle Pass, tour charges and school packages.  It is recommended that the increase across each of the Fees & Charges should be 5%, increasing from 1st November 2022.	Decision implemented 3 November 2022

Portfolio – Environment and Sustainability					
Date	Number	Report Title	Author	Decision	Result
No decisions in this period					

Portfolio – Housing and Communities					
Date	Number	Report Title	Author	Decision	Result
29 September 2022	HOU-016-22	Switchee Project	Geoff Beales	To agree to proceed with the project and the procurement of 600 Switchee devices, including 3 years of support, through the Softcat Framework at a cost of £290,526.00.	Decision implemented 6 October 2022
6 October 2022	HOU-017-22	Contractor for Inclusive Playground at Stanway Lakelands Centre	Alison Fogg, Catherine Doyle	To award a contract to Jupiter Play to undertake the design, community engagement and installation of new	Decision implemented

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
6 October 2022 – 18 November 2022**

				inclusive playground equipment and petanques rink at Stanway Lakelands Centre for a contract period to the end of March 2023	13 October 2022
13 October 2022	HOU-018-22	Award of a Contract for Pitched Roof Replacements	Martin Norgett	To award a contract to Breyer Group Plc for the renewal of pitched roofs in the following roads: <ul style="list-style-type: none"> <li>• Cedars Road, Castle</li> <li>• Harvey Crescent, Stanway</li> <li>• Mercers Way, Castle</li> <li>• Mumford Road, West Bergholt</li> <li>• The Crescent, Gt Horkesley</li> <li>• Willett Road, Shrub End</li> </ul>	20 October 2022

**Portfolio – Local Economy and Transformation**

Date	Number	Report Title	Author	Decision	Result
16 November 2022	ECO-005-22	Rural England Prosperity Fund	Karen Turnbull	To endorse the proposed approach to managing Colchester's REPF allocation.  To agree to delegate the final approval of the REPF submission to the Assistant Director for Place and Client, and thereafter its submission to the Department for Levelling Up, Housing and Communities on or before 30 November 2022 by officers.	Call in period will expire 23 November 2022

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
6 October 2022 – 18 November 2022**

<b>Portfolio – Neighbourhood Services and Waste</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
26 October 2022	WAS-001-22	Mid Year Fees and Charges for Bereavement Services	Micelle Tarbun, Penny Stynes	To increase mid-year, to run from 1st November 2022, the adult cremation fees – both for attended and direct cremations – and also the burial of ashes fee and the granite niche memorial fee.  It is recommended that the increase across each of these 4 Fees & Charges should be 5%.	Decision implemented 2 November 2022

<b>Portfolio – Planning and Infrastructure</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
11 October 2022	PLA-002-22	Chelmsford Local Plan Issues and Options Consultation Response	Rachel Forkin	To submit the proposed response to Chelmsford City Council by the deadline of Thursday 20th October 2022.	Decision implemented 18 October 2022
24 October 2022	PLA-003-22	Mid Year Fees and Charges for Building Control	Tony Tarran	To increase mid-year, to run from 1st November 2022, the Building Control charges .  It is recommended that the increase to all the Charges should generally be around 14.8%.	Decision implemented 31 October 2022

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
6 October 2022 – 18 November 2022**

Portfolio – Resources					
Date	Number	Report Title	Author	Decision	Result
6 October 2022	RES-02-22	Award of Service Charge for Managing Agents at Colchester Northern Gateway	Nina Wu, Andrew Tyrrell	<p>To award a contract to the Recommended Bidder to deliver the initial set up, mobilisation and ongoing management of the service charge and facilities management of the estate common parts at Northern Gateway Leisure Park for three (3) years initially, with the possibility to extend for up to 24 months.</p> <p>In the event that the Recommended Bidder cannot fulfil their obligations under the contract, the contract will be re-tendered.</p>	Decision implemented 13 October 2022

Portfolio – Strategy					
Date	Number	Report Title	Author	Decision	Result
No decisions in this period					



16 November 2022

<b>Report of</b>	<b>Assistant Director – Corporate and Improvement</b>	<b>Author</b>	<b>Jessica Douglas / Chris Reed ☎ 282240</b>
<b>Title</b>	<b>Officer Pay Policy Statement for 2023/24</b>		
<b>Wards affected</b>	Not applicable		

## 1. Executive Summary

- 1.1 Local authorities must publish an officer pay policy statement each year. The statement must be approved by Full Council.
- 1.2 The statement covers all pay and benefits for all Colchester Borough Council employees.
- 1.3 The draft statement for 2023/24 is attached, with the detailed rates in the appendix.

## 2. Recommended Decision

- 2.1 To recommend the approval and adoption of the 2023/24 Statement by Full Council.

## 3. Reason for Recommended Decision

- 3.1 The Localism Act requires “authorities to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce, which must be approved by full Council annually. An authority’s pay policy statement must be approved by a resolution of that authority before it comes into force”.

## 4. Alternative Options

- 4.1 The only alternative would be to not recommend the approval of the Pay Policy Statement, but that would be contrary to the requirements of the Localism Act.

## 5. Background Information

- 5.1 Local authorities must publish a pay policy statement for the financial year. The Officer Pay Policy for 2022/23 was approved by [Full Council on 2 December 2021](#).

The Localism Act specifies items that must be covered by the statement including the level and elements of remuneration for each chief officer, remuneration of chief officers on recruitment, increases and additions to remuneration for each chief officer, the use of performance-related pay and bonuses for chief officers, the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and the publication of and access to information relating to remuneration of chief officers.

- 5.2 The Council's pay policy statement extends beyond the statutory requirements relating to chief officers as shown in 5.1 above to include all officers employed by the Council, in the interests of openness and transparency.
- 5.3 Please see the attached Officer Pay Policy. Appendix 1 of the policy contains the mostly numerical data which sits behind it, and the definitions of terms such as 'chief officer'. These two documents form the Council's officer pay policy statement.
- 5.4 The statement covers all pay and benefits for every employee of Colchester Borough Council. There are no financial allowances or bonuses other than those mentioned.
- 5.5 The Colchester Commercial (Holdings) Ltd holding company (CCH) and Amphora trading companies set up in January 2018 are not covered by this statement.
- 5.6 Mandatory requirements for data publication under the [Local government transparency code 2015](#), and for the Council's [Statement of Accounts](#) under the [Accounts and Audit Regulations 2015](#) have also been taken into account when preparing this year's update of the pay policy to ensure that the published data is complete and consistent.

## 6. Living Wage

- 6.1 The Council has chosen to pay the [Living Wage](#), set independently by the [Living Wage Foundation](#), since 2013 as part of its commitment to being a good employer, and its approach to [Social Value](#). The Council will continue to pay the Living Wage as a minimum standard for all its employees. Around 300 permanent/casual Council staff and 50 third-party contracted employees receive the Living Wage.
- 6.2 The Living Wage is calculated annually according to the basic cost of living in the UK. The new Living Wage rate is usually announced each November but was brought forward this year due to the cost-of-living situation. The increase from £9.90 an hour to £10.90 (10.1%) was announced by the Living Wage Foundation on 22 September 2022. The Council implemented the new rate from 1 October 2022, which is significantly earlier than the LWF's deadline of [14 May 2023](#). For staff on spinal column points SCP 4 to 16 the new rate means £1 an hour/£160.77 a month/£1,929.29 a year more if full-time. Updated pay scales are shown in the policy's appendix, and on the [Council's website](#).
- 6.3 This Living Wage hourly rate, paid by the Council and set by the Living Wage Foundation, is higher than the statutory [National Living Wage](#) set by central government for workers who are 23 years or over (currently £9.50) or the [National Minimum Wage](#) (£9.18 if 21-22, £6.83 if 18-20, £4.81 if under 18 or an apprentice).
- 6.4 The Council signed a 'Living Wage Employer' licence with the Living Wage Foundation in February 2016. This means that as well as paying the Living Wage Foundation's recommended hourly rate to staff, this requirement has been included in new third-party contracts from that date for contracted staff and suppliers working on Council business.

## **7. Changes since the last report and looking ahead to 2023/24**

### **7.1 Changes since the last report are Living Wage uplifts and the 2022/23 pay award:**

- Annual Living Wage uplifts: the Council implemented the £9.90 Living Wage rate, when announced in November 2021, to those previously on £9.50 an hour. The £10.90 Living Wage rate announced in September 2022 was implemented from 1 October 2022.
- The [2022/23 pay award](#) from 1 April 2022 incorporated a differentiated percentage pay increase that offered a higher percentage increase of 3% to lower paid staff on spinal column point (SCP) 13-18. The increase for staff on SCP19 and above was 2.5%.

### **7.2 Looking ahead to 2023/24:**

- It is becoming increasingly challenging to recruit specific 'hard-to-fill' posts where the salary attached to the grade is lower than elsewhere and where there are local or national shortages of skilled employees. To address this, the ability to pay market supplements has been included in this Officer Pay Policy at paragraph 4.5 (attached).
- New Senior Management arrangements will be in place from December subject to Cabinet agreement at its 16 November meeting. The pay for the senior management team may be reviewed but will be within the current grading system.
- Consideration of impacts which result from any future changes to regulations or legislation will take place if or when necessary.

## **8. Equality, Diversity and Human Rights implications**

- 8.1 The Equality Impact Assessment is on the Council's website [here](#) or by following the path: [www.colchester.gov.uk](http://www.colchester.gov.uk) > Equality and Diversity > Equality Impact Assessments

## **9. Strategic Plan References**

- 9.1 The performance, remuneration and motivation of employees are key to delivering effective, efficient public services and the Strategic Plan's aspirations and priorities.

## **10. Publicity Considerations**

- 10.1 The statistical data within the Officer Pay Policy is publicly available on the Council's [Council Data](#) web resource so that it is all in one place, helping to improve openness and transparency. Employee benefits including pay scales are also published on the website [here](#). Gender pay gap information is published [here](#), including our supporting narrative and a link to the Government's [gender pay gap portal](#) where the results can be compared with those of other organisations.

## **11. Financial implications**

- 11.1 The pay policy statement provides transparency about the Council's pay and benefits.

## **12. Other Implications**

- 12.1 There are no particular consultation; health, wellbeing and community safety; health and safety; risk management or environmental and sustainability implications.

**Appendix 1**

# Officer Pay Policy

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## Introduction

The purpose of this policy is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of officers.

The Council will comply with this policy which covers all officers. It ensures that employees are paid on a fair and equitable basis in accordance with equality legislation.

Colchester Borough Council recognises the importance of administering pay in a way that:

- attracts, motivates and retains appropriately talented people needed to maintain and improve the Council's performance and meet future challenges
- reflects the market for comparable jobs, with skills and competencies required to meet agreed delivery and performance outcomes
- allows for a proportion of remuneration to be at risk, depending upon the delivery of agreed outcomes and results
- delivers the required levels of competence within an overall workforce strategy within approved budget parameters
- is affordable and transparent.

## 1. Pay strategy and framework

- 1.1 The Council determines the level of annual salary for employees, including chief officers, using an established job evaluation scheme. Jobs are independently evaluated, using this scheme, by experienced Human Resources staff and all employees have the right of appeal against their pay grade.
- 1.2 The pay grades and salary spinal points are shown on the Council's website [here](#), and in Appendix 1 along with other definitions such 'chief officer'. Each pay grade has a number of incremental points and employees normally progress up their pay grade by one increment on an annual basis, subject to satisfactory levels of performance (see also section 5 - rewarding performance).
- 1.3 The exception to this principle is where employees have transferred their employment to the Council and salary protection exists under the Transfer of Undertakings (Protection of Employment) legislation commonly known as TUPE.
- 1.4 The pay policy incorporates the Council's Equality and Diversity policy (website link [Equality and Diversity in employment - Colchester Borough Council](#)), and periodic equal pay audits will be conducted.
- 1.5 From April 2017, [Equality Act regulations](#) require public organisations with more than 250 employees to publish a range of gender pay gap figures to show whether there are any differences in pay between male and female employees. The annual gender pay 'snapshot' is published on the Council's website [here](#), with a link to the Government's website where figures from other public and private organisations can also be seen/searched to help with openness and transparency.
- 1.6 The Council implemented the '[Living Wage](#)', which is independently calculated by the [Living Wage Foundation](#), from April 2013 and became an accredited Living Wage Employer in February 2016.

### 2. Pay review and annual increases

- 2.1 The Council supports the principle of collective bargaining and has a recognition agreement with the trade union 'Unison'. Negotiation and consultation are conducted at a local level in relation to levels of pay and benefits for all employees including Chief / Senior Officers (see definitions in Appendix 1) using 'Colchester Managed Grades' (CMG) pay grades. The Council is therefore not part of any national terms and conditions for local government employees.
- 2.2 Local negotiations around a pay review are conducted on an annual basis, and any increase is agreed taking into account inflationary factors, local salary levels and affordability. Any decision to increase salary levels for all employees has to be approved by the Portfolio Holder under delegated powers set in the Council's [Constitution](#).
- 2.3 The Council publishes its pay multiple (the ratio between the highest and lowest paid employees) and does not currently set a target for this.

### 3. Remuneration of Chief Officers

- 3.1 The remuneration of all officers is determined using the Council's job evaluation and performance management schemes.
- 3.2 The median average value of Chief Officers' pay is shown in Appendix 1 together with the relationship to the lowest paid staff and other staff (referred to in the legislation as "the pay multiple").
- 3.3 The remuneration of all Chief Officers and Senior Officers is published in the Council's [Annual Statement of Accounts](#), which also includes a wide range of financial information.

### 4. Other items in addition to salary

The Council pays the following additions to annual salary:

- 4.1 [Overtime:](#)  
This is paid to employees who are required to work in excess of their contracted weekly hours. All overtime is paid at plain-time rate derived from annual salary, and enhancements are not normally paid for working at weekends or public holidays. Employees on pay grade CMG5 or above do not receive overtime pay.
- 4.2 [Unsocial hours working:](#)  
The Council pays an allowance to employees who work unsocial hours which cover 24-hour shift working. Allowances are also paid to employees who undertake standby and call out duties. A small payment can also be made to 'front-line' employees who are required to work over the Christmas and New Year period.
- 4.3 [Maternity, paternity and shared parental arrangements:](#)  
The Council has a policy that supports parents and provides some enhancement to the statutory maternity, paternity and shared parental provisions. These enhancements are shown in Appendix 1.

### 4.4 Recruitment and retention payments:

Where the Council is faced with difficulties in recruitment to and retention of specific jobs, as a result of market pressures and skills shortages, the Chief Operating Officer is able to sanction the use of a temporary recruitment/retention supplement, reviewed on a regular basis. This may include a non-consolidated payment on appointment and/or a retention payment to reflect the employment market and the needs of the business. Any such payment is to be authorised by the Chief Operating Officer. If the employee leaves the Council voluntarily within a year, they will be required to pay back this non-consolidated payment.

Where an individual is being recruited and has significant experience or skills in the role for which they are being employed, Assistant Directors and above have discretion to appoint at any scale point (within the grade) above the lowest level.

Where an employee is upgraded using the Council's job evaluation scheme, the employee will move to the lowest point of the new pay grade such that they receive at least one increment. Any proposal to move the employee to a higher point on the pay grade has to be authorised by Assistant Directors and above.

### 4.5 Market Supplements:

Market supplements are an additional method of tackling recruitment and retention issues by temporarily increasing pay awarded to specific post(s) without altering the job evaluation determined grade for the role.

A market supplement may be agreed when it can be shown that the salary attached to the grade for the 'hard-to-fill' role is significantly lower than the salary offered elsewhere and that this is having an adverse impact on the ability to recruit and retain staff in specific post(s).

A 'hard-to-fill' post is one where there are proven recruitment and/or retention difficulties and/or there are known significant national shortages. The value of any market supplement is determined by a comparison of the remuneration for a council role against relevant market rates for similar roles.

A market supplement will be applied to all employees undertaking the role.

### 4.6 Increases in responsibility:

Temporary or permanent payments can be paid at the discretion of the Assistant Director and above to reflect operational needs, the level of additional responsibility and the Council's increment/acting-up policies.

### 4.7 Other items:

The Council only reimburses reasonable business expenses actually incurred and in line with the Council's travel and subsistence policy.

Professional membership fees are reimbursed to employees at the rate of 50% of fees incurred and only one membership per employee is reimbursed.

External training costs are paid where they form part of agreed learning and development, and in line with the post-entry training policy.

There are no expense allowances or bonuses other than those mentioned within this pay policy.



### 5. Rewarding performance

- 5.1 The Council uses a performance management scheme to appraise the performance of all employees, including Chief / Senior Officers. Issues of poor performance can result in any annual increment being withheld.
- 5.3 The Council also recognises the need to incentivise specific jobs whose role involves a proportion of sales or income generation. In such cases a reward package will be developed, which needs approval by Senior Management Team. The annual salary and incentive payment will be determined outside of the job evaluation scheme and will be risk-assured in relation to equal pay.
- 5.4 The Council incentivises and recognises employees for their individual contribution towards the three organisational goals of 'Customer, Business and Culture' through a non-salary rewards scheme. Where an employee's contribution is deemed to be excellent, they can be nominated for a non-consolidated payment up to the maximum value if authorised by an Executive Director. See Appendix 1 for the value of these incentives.

### 6. Pension

- 6.1 In accordance with statutory provisions, employees are offered membership of the Local Government Pension Scheme. The Council has a published pension policy, and this policy applies to all employees including Chief / Senior Officers. It sets out the Council's decisions relating to discretionary powers allowed within the scheme. The pension contribution rates are shown in Appendix 1.
- 6.2 The Council also supports the principle of flexible retirement whereby employees are able to gain access to their pension whilst continuing in employment, subject to the restrictions laid down within the scheme and in the Council's Pension policy. This approach allows the Council to retain skilled employees and to assist individuals in managing the transition to retirement.

### 7. Other financial benefits

The Council currently offers the following financial benefits to employees, with the value of these charges and benefits shown in Appendix 1:

- 7.1 **Travel Plan incentives/charges:**  
In order to encourage employees to use 'greener' travel modes, which also help to reduce town centre congestion, the Council has developed a package of travel plan measures. These measures include a charge for car parking for employees based in the town centre, and discounts for 'home to work' use of bus and rail travel.
- 7.2 **Salary sacrifice schemes:**  
The Council has adopted approved government salary sacrifice schemes which enable employees to have deductions from pay to purchase childcare vouchers (closed to new applicants in October 2018) or cycles for travel to work. These schemes are tax efficient for the employee and are cost-neutral to the Council.

## OFFICER PAY POLICY

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### 7.3 Long Service Awards:

The Council recognises the commitment of employees to public service and provides a gift to employees for 25 years' service with the Council.

### 7.4 Other allowances:

An allowance is paid for employees who volunteer to be designated First Aiders in the workplace.

## 8. Recruitment

8.1 In accordance with the Council's [Constitution](#), appointments to Head of Paid Service (Chief Executive), Executive Directors, Assistant Directors, Chief Finance Officer and Monitoring Officer, have to be approved by the Full Council.

8.2 All appointments are made in line with this pay policy.

8.3 The appointment of other Chief Officers and starting salaries within the grade must be approved by the Chief Executive.

8.4 The appointment of employees other than Chief Officers is delegated to the appropriate management level, relevant to the vacant job. The starting salary within the pay grade range is determined taking into account the skills and experience of the applicant and market pressures.

8.5 The Council does not restrict the re-employment of employees previously made redundant by either the Council or other Local Government. All applicants for vacancies are considered equally, based on their knowledge, skills and experience.

8.6 Full Council will be offered the opportunity to vote before large salary packages are offered in respect of new appointments. This level is set out in statutory guidance, and the current level is shown at Appendix 1 along with definitions of roles/posts.

## 9. Sick Pay

The Council applies the following sick pay scheme for all employees.

Service (years)	Full Pay (months)	Half Pay (months)
During first year	1	*2
During second year	2	2
During third year	4	4
During fourth/fifth years	5	5
After five years	6	6

\* After completing 4 months' service

## 10. Payments when employment status changes

### 10.1 Redundancy:

The Council operates a redundancy payment scheme which applies to all employees including Chief / Senior Officers. The scheme is based on the employee's rate of pay and on the number of weeks paid under the statutory scheme, with an enhancement of 50% subject to a maximum of 45 weeks' pay.

## OFFICER PAY POLICY

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### 10.2 Pay Protection:

The Council operates pay protection for a limited time period, within the terms of its change management and redundancy policy. This applies when staff have their pay reduced as part of a process of re-deployment or job evaluation.

### 10.3 Agreements:

Where the Council is in dispute with an employee, the Council will make use of legally binding agreements to settle disputes in appropriate circumstances. The use of these agreements and the value of any settlement will be determined by a consideration of factors such as the potential costs of litigation, the degree of risk at employment tribunal adjudications and any reputational impact. The decision to agree a legally binding agreement will rest with the Chief Executive or, in the case of the Chief Executive, will rest with the Cabinet.

## 11. Election duties

11.1 The Council has determined that the Returning Officer is the Chief Executive, and the remuneration is separate from the Chief Executive's salary. Remuneration levels for employees who assist with election duties on a secondary employment basis are set by Essex County Council for local elections, and by central government for national elections.

11.2 The amount paid for election duties will vary depending on the number and type of elections which take place. The amount paid to the Returning Officer in the previous year is shown in Appendix 1.

## 12. Temporary staff and interim arrangements

12.1 The Council occasionally uses temporary agency or interim staff where it meets specific business needs and delivers best value. Levels of reward are determined by market rates. However, the Council will not use payment arrangements that could be perceived to be designed to deliberately avoid personal taxation.

## 13. Supporting Information

The following references have been used in producing this Pay Policy, along with the Council's existing Human Resource policies:

### Legislation and best practice guidelines

- The Localism Act 2011 - [chapter 8 - pay accountability](#).
- The Equality Act 2010
- Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006
- Local Government Pension Scheme Regulations 2008
- [Accounts and Audit Regulations 2015](#).

Home Office and the Ministry of Housing, Communities and Local Government:

- [Openness and accountability in local pay: Guidance under section 40 of the Localism Act](#) and [Local government transparency code](#)

The Chartered Institute of Public Finance and Accountancy:

- [Code of Practice in Local Authority Accounting](#)

Local Government Association

- [Pay Policy Statements - guidance](#).

## OFFICER PAY POLICY

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### Our website

The Council's website [www.colchester.gov.uk](http://www.colchester.gov.uk) has a [section with more information about employment](#) and [gender pay gap statistics](#) for Colchester Borough Council.

The following policies and forms should be taken into account alongside this document:

<b>Policies</b>	
Equality and Diversity policy	Increment policy
Maternity and Paternity policies	Acting up policy
Pensions policy	Overtime policy/Standby and Call-out Policy
Local Government Pension Scheme (Administration) Regulations 2013 Discretionary Decisions by Colchester Borough Council	Performance management scheme
Post-entry training policy	Change Management and Redundancy policy
Travel and subsistence policy	Travel Plan

The policies are on the Intranet in the HR section: [A to Z of HR Policies and Procedures](#)

### Document Information

<b>Title :</b>	<b>Officer Pay Policy</b>
<b>Status :</b>	<b>Annual update of existing policy</b>
<b>Version :</b>	<b>Draft for Cabinet/Council approval</b>
<b>Consultation :</b>	<b>Cabinet 16 November 2022</b>
<b>Approved By :</b>	<b>Full Council</b>
<b>Approval Date :</b>	<b>1 December 2022</b>
<b>EQIA :</b>	<a href="#">click here</a>
<b>Review Frequency :</b>	<b>Annual</b>
<b>Next Review :</b>	<b>November / December 2023</b>

This policy applies to you if you are working under the Terms and Conditions of Colchester Borough Council.

## Pay Data – Appendix 1

1. **Annual Salary scales.** The last pay award increase was in April 2022 – 3% to lower paid staff on spinal column point (SCP) 13-18; 2.5% if SCP19 and above.

### Salary spine

point	Annual salary (£.p)	point	Annual salary (£.p)
4*	21,029.27	32	37,995.46
5*	21,029.27	33	39,459.03
6*	21,029.27	34	40,817.42
7*	21,029.27	35	42,175.82
8*	21,029.27	36	43,534.21
9*	21,029.27	37	44,946.64
10*	21,029.27	38	46,359.09
11*	21,029.27	39	47,771.49
12	21,029.27	40	51,282.84
13	21,029.27	41	54,794.21
14	21,029.27	42	58,305.55
15	21,029.27	43	62,984.00
16	21,029.27	44	67,662.39
17	21,069.67	45	72,340.83
18	21,479.21	46	77,019.21
19	21,457.78	47	81,697.63
20	22,613.56	48	86,183.23
21	23,232.83	49	90,668.86
22	23,852.14	50	95,154.43
23	24,471.44	51	99,640.06
24	25,140.42	52	104,125.64
25	27,134.19	53	108,611.27
26	29,177.61	54	113,651.94
27	31,221.04	55	118,692.57
28	32,503.50	56	123,733.22
29	33,785.93	57	128,773.85
30	35,068.37	58	133,814.51
31	36,531.91	59	136,519.59

\* these salary points are 'Living Wage'.

The Living Wage rate, as set independently/annually by the Living Wage Foundation, was uplifted to £10.90 an hour/£21,029.27 a year on 1 October 2022. (previously £9.90 / £19,099.98 – so increase of 10.1%/£1,929.29 a year, and uplifted pay for SCP 4-16).

### Pay Grade range – Colchester Managed Grades (CMG)

Pay Grade (CMG)	Salary spinal column point (SCP) range	Pay Grade (CMG)	Salary spinal column point (SCP) range
14	4 to 7	6	35 to 39
13	7 to 12	5	38 to 42
12	11 to 18	5 GMT	38 to 45
11	18 to 24	4 AD	42 to 49
10	23 to 27	4	42 to 47
9	26 to 30	2-3	46 to 55
8	29 to 33	1	54 to 59
7	32 to 36		

## OFFICER PAY POLICY

### Apprentices

The national Apprenticeship Levy was introduced from April 2017. Employers operating in the UK with a pay bill over £3 million each year are required to invest in apprenticeships via an apprenticeship levy charged at a rate of 0.5% of the annual pay bill.

The Council's first intake of apprentices joined in September 2017. The Council agreed that its apprenticeship pay rate would be the [National Minimum Wage \(NMW\) by age](#) - this is more than the NMW rate for apprentices which is £4.81 an hour, and Council apprentices get the [NMW for their age](#) straight away without having to complete the first year of an apprenticeship or be 19.

### 2. Pay relationship for Chief Officers

	<b>2022/23</b>
Median average pay for Chief Officers	£90,668.86
Median average pay for staff other than Chief Officers	£25,140.42
Median average pay for lowest paid staff	£19,099.98
Pay multiple of Chief Officer (Chief Executive) pay to staff other than this Chief Officer	5.12
Pay multiple of Chief Officers' pay to staff other than Chief Officers	3.61
Pay multiple of Chief Officers' pay to lowest paid staff	4.75 <sup>1</sup>

Notes – please also see definitions of officers at section 8 below:

- Median average pay is based on full-time equivalent annual salary plus additional payments for Chief Officers. It excludes election fees.
- 'Lowest paid staff' is defined as those paid the 'Living Wage' - see chart of 'Colchester Managed Grades (CMG) pay grades on page 8.
- <sup>1</sup>The ratio would be 6.88 if the definition included apprentices.
- Pay multiple - the ratio between the highest and lowest paid staff.

### 3. Additional payments for Chief Officers

#### Returning Officer election fees paid to the Chief Executive

<b>Elections held</b>	<b>Amount paid</b>	<b>Year</b>
Local Borough; Parish and County; Police, Fire and Crime Commissioner and Police Area	£30,235	2021/22

### 4. Other pay additions and allowances – see pages 2 and 4 for eligibility

#### Unsocial hours working:

Where an employee is required to be on call "out of hours" as part of their duties:

Standby allowance from 1 April 2022:

- higher rate – immediate response must be made – day rate £18.08
- standard rate - non-immediate response – day rate £9.04

Call-out from 1 April 2022: £45.10.

#### Maternity, Paternity and Shared Parental pay:

In addition to the statutory provisions, the Council pays 20 weeks at half-pay for mothers who go on maternity leave and subsequently return to work. Up to two weeks' paid paternity leave is granted to eligible employees.

## OFFICER PAY POLICY

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### Non-salary rewards scheme:

Quarterly – 1,500 loyalty points (£15 in value) can be redeemed on activities or products within Colchester Leisure World. Maximum of 42 staff across all services each quarter.

Annually – incentive is sourced via reciprocal marketing and voucher schemes.

### Exceptional performance:

Non-consolidated payment/honorarium to a maximum of £1,000 if authorised by an Executive Director.

## 6. Pension contribution rate

Employer rate is 19.0% for 2022/23 (same as 2021/22). Employee rates are:

<b>LGPS Contribution Bands April 2022</b>		
<b>Actual Pay</b> (includes overtime, additional hours and so on)	<b>Main section rate</b>	<b>50/50 section rate</b>
Up to £15,000	5.5%	2.75%
£15,001 - £23,600	5.8%	2.90%
£23,601 - £38,300	6.5%	3.25%
£38,301 - £48,500	6.8%	3.40%
<b>£48,501 - £67,900</b>	8.5%	4.25%
£67,901 - £96,200	9.9%	4.95%
£96,201 - £113,400	10.5%	5.25%
£113,401 - £170,100	11.4%	5.70%
More than £170,101	12.5%	6.25%

## 7. Other financial benefits – see page 5 for eligibility

Travel Plan benefits and charges:

**Car parking charge** – for employees using designated Council car parks whilst at work:

- £2.50 per day.

**Home to work travel**, in line with Travel Plan policy:

- Bus season ticket discount 50% / train season ticket or 'bulk buy' discount 35%.

**Long Service award:**

- Maximum value of £250 for 25 years' service with the Council.

**First Aid allowance** - for employees designated as First Aiders in the workplace:

- £166.20 a year (pro rata for part-time staff).

## 8. Definition of terms used in the Officer Pay Policy and Pay Data documents

- Chief Officers – posts requiring appointment by elected councillors - designated as Chief Executive, Strategic Directors, Chief Operating Officer and Assistant Directors within the Council's constitutional arrangements for appointment. It also includes the Section 151 and the Monitoring Officer where those roles are not performed by an Assistant Director. These posts meet the Chief Officer definition in [paragraph 43 Localism Act](#).
- Chief Officer – this is the Chief Executive.
- Senior Officers – any post with a salary of £50,000 and above ([Accounts and Audit Regulations 2015](#))
- Senior Management Team – Chief Executive and Executive Directors and Assistant Directors. Executive Management Team - Chief Executive and Executive Directors.
- Large salary package – this is defined in statutory guidance and the current threshold is £100,000 ([paragraph 14 Localism Act guidance](#)).





22 November 2022

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of the Council's Ethical Governance Policies		
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 This report requests the Committee to review the Council's updated Ethical Governance policies. These are the key policies which set out the standards of conduct and integrity that the Council expects of councillors, staff, partners, suppliers and customers when conducting Council business. They contain procedures for dealing with breaches of the policies and processes to be followed.
- 1.2 The report also requests the Committee to recommend to Full Council to include the updated policies in the Policy Framework which comprises all of the Authority's key policies.

## 2. Recommended Decision

- 2.1 To recommend to Full Council that it adopts the statement of intent in relation to ethical governance.
- 2.2 To review the following revised policies:
  - Anti-Fraud and Corruption Policy
  - Whistleblowing Policy
  - Anti-Money Laundering Policy
  - Covert Surveillance Policy
  - Data Protection Policy
  - Acceptable Use Policy
  - Information Security Policy
  - Retention Policy
  - Processing of Special Category & Criminal Convictions Personal Data Policy
  - Password Policy
  - Income and Debt Management Policy

and to recommend to Full Council that they be approved for inclusion in the Council's Policy Framework.

## 3. Background

- 3.1 The Council is committed to maintaining the highest standards of governance including the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly, openly and accountably in order to protect public safety and public money.
- 3.2 A varied range of policies and procedures form the Corporate Governance framework and a selection of these relate to Ethical Governance - those specifically regarding conduct and integrity.

- 3.3 The Ethical Governance policies set out the standards of conduct and integrity that it expects from staff, elected members, suppliers, partners, volunteers and the public. Breaches of the policies will be pursued, and procedures have been introduced to enable any person to raise genuine concerns they may have about the conduct of anybody acting for or on behalf of the Council.
- 3.4 At its meeting on 2 December 2021 Full Council adopted a statement of intent in relation to both Ethical and Corporate Governance which gave a high organisational commitment to zero tolerance of fraud, corruption and bribery. It is appropriate following the change of Administration and Leader and Chief Executive to refresh the statement of intent which is attached at Appendix 1. The Committee is recommended to refer this to Full Council for adoption.

#### 4. Review of Ethical Governance Policies

- 4.1 The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Covert Surveillance, Information Security, Data Protection, Acceptable Use, Data Retention and Income and Debt policies were last reviewed by this Committee at its meeting on 23 November 2021. The Ethical Governance policies were subsequently adopted as part of the Council's Policy Framework by Full Council.

The following table indicates the number of times a policy was invoked in the past year and where appropriate whether it was effective.

Policy	No. of times invoked during 2017/18	No. of times invoked during 2018/19	No. of times invoked during 2019/20	No. of times invoked during 2020/21	No. of times invoked during 2021/22	Whether procedures effective
Anti-Fraud and Corruption	None	None	None	None	None	n/a
Whistleblowing	None	1	None	None	None	n/a
Anti-Money Laundering	None	None	None	None	None	n/a
Covert Surveillance	None	None	None	None	None	n/a
Information Security	None	None	None	None	None	n/a
Data Protection	None	None	None	None	None	n/a
Acceptable Use	-	-	None	None	None	n/a
Data Retention	-	-	None	None	None	n/a
Special Data Policy	-	-	-	-	None	n/a

- 4.2 The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Covert Surveillance, Information Security, Data Protection, Acceptable Use, Data Retention and Processing of Special Category & Criminal Convictions Personal Data policies have all been reviewed to ensure that they remain fit for purpose and no changes are proposed to these policies which are appended to this report. The ICT Password Policy has been included in the review this year and will form part of the Ethical Governance policies going forward.
- 4.3 The Monitoring Officer writes annually to both Members and Officers reminding them of their obligations regarding the Anti-Fraud and Corruption and Whistleblowing policies. Councillors and staff have recently received updated data protection and cyber security training from the Council's IT team.
- 4.4 The Income & Debt Management Policy has been reviewed and there are proposed changes which will support more efficient working as well as additional support for those in

financial difficulty. The processes are still relevant and meet legislative requirements, whilst supporting strong collection rates. The changes include:

- Becoming a referral partner to the Money and Pension Services. This will help us to support customers in debt more effectively through impartial advice and support through the Money and Pension Service. The team will also be able to track progress with the service and adapt any recovery action accordingly.
- Compliance with the Government 'Breathing Space' scheme.
- Increasing write off limits for officers and managers.

4.5 The Council continues to achieve high collection rates for Council Tax and Business Rates. The focus for the teams during this year has been recovery from Covid-19 impacts, as well as implementing support schemes such as the Council Tax Rebate. The teams are working to support customers through the cost of living crisis and are adapting processes where necessary to support this.

4.6 The Council will continue to improve processes, making payment options simple for residents and businesses and encouraging customers to contact as soon as possible if they are suffering financial difficulties.

## **5. Strategic Plan References**

5.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan priorities to set out the direction and future potential for our Borough.

## **6. Publicity Considerations**

6.1 The Council's ethical governance policies will be published on the Council's website.

## **7. Financial, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety, Risk Management and Environmental and Sustainability Implications**

7.1 None.

## Ethical Governance Statement 2022/23

Colchester City Council will not tolerate breaches of its ethical governance policies.

The Council is committed to maintaining the highest standards of governance including the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly, openly and accountably so as to protect public safety and public money.

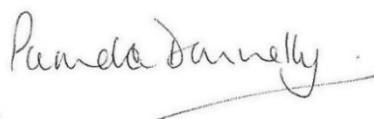
The Council expects the highest standards of conduct and integrity from all that have dealings with it including staff, elected members, suppliers, partners, volunteers and the public. Therefore, policies have been put in place to outline the standards required and procedures have been introduced to enable any person to raise genuine concerns they may have about the conduct of anybody acting for or on behalf of the Council.

The Ethical Governance policies form part of the Council's overall Corporate Governance framework and details of all the policies have been published on the Council's website at [www.colchester.gov.uk](http://www.colchester.gov.uk).

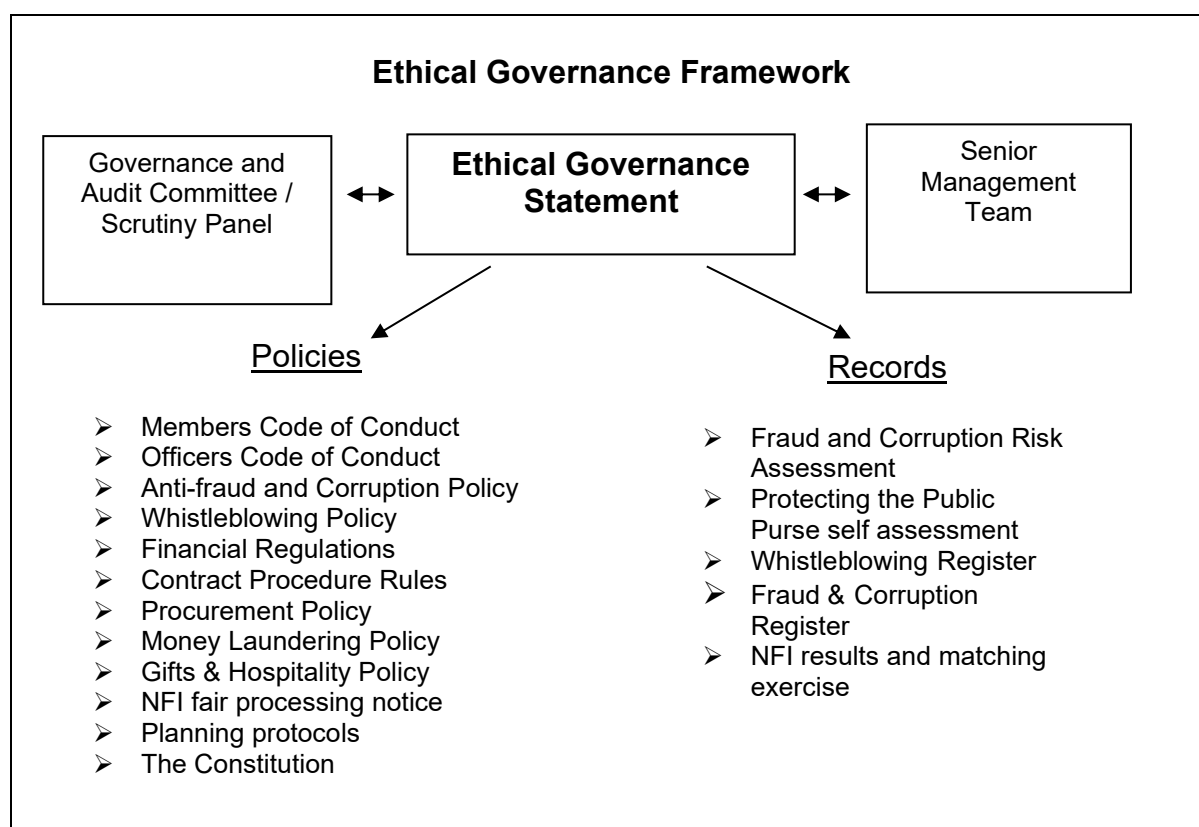
We will take all reasonable steps to ensure that concerns are investigated, and appropriate action taken where necessary. There will be no distinction made in investigation between cases that generate financial benefits and those that do not.



David King  
Leader of the Council



Pamela Donnelly  
Chief Executive







Colchester  
City Council

# Anti-Fraud and Corruption Policy

## 2022/23

A guide to the Council's approach to preventing fraud and corruption and managing any suspected cases

[www.colchester.gov.uk](http://www.colchester.gov.uk)

November 2022

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## ANTI-FRAUD AND CORRUPTION POLICY

### 1.0 INTRODUCTION

Colchester City Council, like every Local Authority, has a duty to ensure that it safeguards the public money that it is responsible for.

The Council expects the highest standards of conduct and integrity from all that have dealings with it including staff, members, contractors, volunteers and the public. It is committed to the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly and to the highest possible standard of openness and accountability so as to protect public safety and public money.

All suspicions or concerns of fraudulent or corrupt practise will be investigated. There will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. Any investigations will not compromise the Council's commitment to Equal Opportunities or the requirements of the Human Rights Act or any other relevant statutory provision.

This policy has been created with due regard to the CIPFA better Governance Forum's Red Book 2 'Managing the Risk of Fraud', the CIPFA 2014 Code of Practice on Managing the Risk of Fraud and Corruption and the Audit Commission publication 'Protecting the Public Purse'.

### 2.0 OVERVIEW

This policy provides an overview of the measures designed to combat any attempted fraudulent or corrupt act. For ease of understanding it is separated into four areas as below:

- Culture
- Responsibilities and Prevention
- Detection and Investigation
- Awareness and Monitoring.

Fraud and corruption are defined as:

Fraud – “the intentional distortion of financial statements or other records by persons internal or external to the Council, which is carried out to conceal the misappropriation of assets or otherwise for gain”.

In addition, fraud can also be defined as “the intentional distortion of financial statements or other records by persons internal or external to the authority, which is carried out to mislead or misrepresent”.

Corruption – “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”.

The Council also abides by the Bribery Act 2010 which covers, amongst other things, the offences of bribing another person, of allowing to be bribed and organisational responsibility. Such offences include:



- The offer, promise or giving of financial or other advantage to another person in return for the person improperly performing a relevant function or activity
- Requesting, agreeing to receive or accepting a financial or other advantage intending that, in consequence a relevant function or activity should be performed improperly.
- Commercial organisation responsibility for a person, associated with the organisation, bribing another person for the purpose of obtaining or retaining business for the organisation.

In addition, this policy also covers “the failure to disclose an interest in order to gain financial or other pecuniary benefit.”

### **3.0 CULTURE**

The prevention/detection of fraud/corruption and the protection of public money are responsibilities of everyone, both internal and external to the organisation. The Council's elected members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will, wherever possible, be treated in confidence. The public also has a role to play in this process and should inform the Council if they feel that fraud/corruption may have occurred.

Concerns must be raised when members, employees or the public reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:

- A criminal offence
- A failure to comply with a statutory or legal obligation
- Improper or unauthorised use of public or other official funds
- A miscarriage of justice
- Maladministration, misconduct or malpractice
- Endangering an individual's health and/or safety
- Damage to the environment
- Deliberate concealment of any of the above.

The Council will ensure that any allegations received in any way, including by anonymous letter or telephone call, will be taken seriously and investigated in an appropriate manner. The Council has a whistle blowing policy that sets out the approach to these types of allegations in more detail.

The Council will deal firmly with those who defraud the Council or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees/members raising malicious allegations) may be dealt with as a disciplinary matter (employees) or through Group procedures (Members).

When fraud or corruption has occurred due to a breakdown in the Council's systems or procedures, Directors will ensure that appropriate improvements in systems of control are implemented in order to prevent a re-occurrence.

## **4.0 RESPONSIBILITIES AND PREVENTION**

### **4.1 Responsibilities of Elected Members**

As elected representatives, all members of the Council have a duty to protect the Council and public money from any acts of fraud and corruption. This is done through existing practice, compliance with the Council's Members' Code of Conduct, the Council's Constitution including Financial Regulations and Procedure Rules and relevant legislation. Conduct and ethical matters are specifically brought to the attention of members during induction and include the declaration and registration of interests. Officers advise members of new legislative or procedural requirements.

### **4.2 Responsibilities of the Monitoring Officer**

The Monitoring Officer is responsible for ensuring that all decisions made by the Council are within the law. The Monitoring Officer's key role is to promote and maintain high standards of conduct throughout the Council by developing, enforcing and reporting appropriate governance arrangements including codes of conduct and other standards policies.

All suspected instances of fraud or corruption (apart from benefit claim issues) should be reported to the Monitoring Officer.

### **4.3 Responsibilities of the Section 151 Officer**

The Head of Finance has been designated with the statutory responsibilities of the Finance Director as defined by s151 of the Local Government Act 1972. These responsibilities outline that every local authority in England and Wales should: "make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility or the administration of those affairs"

'Proper administration' encompasses all aspects of local authority financial management including:

- Compliance with the statutory requirements for accounting and internal audit;
- Managing the financial affairs of the Council
- The proper exercise of a wide range of delegated powers both formal and informal;
- The recognition of the fiduciary responsibility owed to local taxpayers.

Under these statutory responsibilities the Section 151 Officer contributes to the anti-fraud and corruption framework of the Council.

#### **4.4 Responsibilities of the Senior Management Team**

Managers at all levels are responsible for the communication and implementation of this policy. They are also responsible for ensuring that their employees are aware of the Council's personnel policies and procedures, the Council's Financial Regulations and Procedure Rules and that the requirements of each are being met. Managers are expected to create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. Special arrangements may be applied from time to time for example where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll or the Revenues and Benefits IT systems. These procedures will be supported by relevant training.

The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts and agency staff. The Council's formal recruitment procedure contains appropriate safeguards in the form of written references, the verification of qualifications held and employment history. Disclosure and Barring Service (DBS) checks are undertaken for employees working with or who may have contact with children or vulnerable adults.

#### **4.5 Responsibilities of Employees**

Each employee is governed in their work by the Council's Financial Regulations, Procedure Rules and other policies on conduct and IT usage. Included in the Council policies are guidelines on Gifts and Hospitality, and codes of conduct associated with professional and personal conduct and conflict of interest. These are issued to all employees when they join the Council. In addition, employees are responsible for ensuring that they follow any instructions given to them, particularly in relation to the safekeeping of the assets of the Council. Employees are expected always to be aware of the possibility that fraud, corruption and theft may exist in the workplace and be able to share their concerns with management.

#### **4.6 Role of Internal Audit**

Internal Audit plays a preventative role in trying to ensure that systems and procedures are in place to prevent and deter fraud and corruption. Internal Audit may be requested to investigate cases of suspected financial irregularity, fraud or corruption, except Benefit Fraud investigations, in accordance with agreed procedures. Within the Financial Regulations in the Constitution, representatives of Internal Audit are empowered to:

- enter at all reasonable times any Council premises or land
- have access to all records, documentation and correspondence relating to any financial and other transactions as considered necessary
- have access to records belonging to third parties such as contractors when required
- require and receive such explanations as are regarded necessary concerning any matter under examination

- require any employee of the Council to account for cash, stores or any other Council property under their control or possession  
Internal Audit liaises with management to recommend changes in procedures to reduce risks and prevent losses to the Authority.

#### **4.7 Role of the Benefits Investigation**

Any allegations of benefit fraud are to be referred to the Department of Work and Pensions for investigation.

#### **4.8 Role of the Corporate Governance Team**

The team consists of various officers whose roles include governance issues and the objective is to promote and embed a governance culture throughout the organisation by implementing policies, reviewing issues, providing training and sharing information.

#### **4.9 Role of the External Auditors**

Independent external audit is an essential safeguard of the stewardship of public money. This is currently carried out by BDO UK LLP through specific reviews that are designed to test (amongst other things) the adequacy of the Council's financial systems and arrangements for preventing and detecting fraud and corruption. It is not the external auditors' function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity and will act without undue delay if grounds for suspicion come to their notice. The Council contributes to the bi-annual National Fraud Initiative which is designed to cross-match customers across authorities to highlight areas where there are potential fraudulent claims.

#### **4.10 Role of the Public**

This policy, although primarily aimed at those within or associated with the Council, enables concerns raised by the public to be investigated, as appropriate, by the relevant person in a proper manner.

#### **4.11 Conflicts of Interest**

Both elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues etc. Effective role separation will ensure decisions made are seen to be based upon impartial advice and avoid questions about improper disclosure of confidential information.

#### **4.12 Official Guidance**

In addition to Financial Regulations and Procedure Rules, due regard will be had to external and inspectorate recommendations.

The Council is aware of the high degree of external scrutiny of its affairs by a variety of bodies such as Government Inspection bodies, the Local Government and Social Care Ombudsman, HM Customs and Excise and the Inland Revenue. These bodies are important in highlighting any areas where improvements can be made.

## **5.0 DETECTION AND INVESTIGATION**

Internal Audit plays an important role in the detection of fraud and corruption. Included within the audit plans are reviews of system controls including financial controls and specific fraud and corruption tests, spot checks and unannounced visits.

In addition to Internal Audit, there are numerous systems and management controls in place to deter fraud and corruption, but it is often the vigilance of employees and members of the public that aids detection. In some cases, frauds are discovered by chance or “tip-off” and the Council will ensure that such information is properly dealt with in accordance with its whistleblowing policy.

Detailed guidance on the investigation process is available separately.

### **5.1 Disciplinary Action**

The Council’s Disciplinary Procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. Theft, fraud and corruption are serious offences which may constitute gross misconduct against the Council and employees will face disciplinary action if there is evidence that they have been involved in these activities, including Benefit fraud. Disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case.

Members will face appropriate action under this policy if they are found to have been involved in theft, fraud and corruption against the Council. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. If the matter is a breach of the Members’ Code of Conduct, then it will be dealt with in accordance with the Arrangements agreed by the Council in accordance with the Localism Act 2011.

### **5.2 Prosecution**

In terms of proceedings the Council will endeavour to take action in relevant cases to deter others from committing offences against the Council.

### **5.3 Publicity**

The Council will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. Wherever possible, where the Council has suffered a financial loss action will be taken to pursue the recovery of the loss. All anti-fraud and corruption activities, including the update of this policy, will be publicised.

## **6.0 AWARENESS AND MONITORING**

The Council recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of training and awareness for members and employees and will therefore take appropriate action to raise awareness levels.

The Monitoring Officer will provide an annual report to senior management and members outlining investigations undertaken during the year.

This policy and associated procedures will be reviewed at least annually and will be reported to senior management and the Governance and Audit Committee.



# Whistleblowing Policy

## 2022/23

A guide for employees and  
Councillors on how to raise  
concerns about conduct within the  
Council

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## WHISTLEBLOWING POLICY

### 1.0 Introduction

Employees or Councillors are often the first to realise that there may be some form of inappropriate conduct within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of misconduct, but this can have serious consequences if wrongdoing goes undetected.

The Council is committed to the highest possible standards of openness, probity, accountability and honesty. In line with that commitment, we expect employees, councillors and others that we deal with who have serious concerns, about any aspect of the Council's work, to come forward and voice those concerns.

This policy document makes it clear that employees and councillors can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy and Procedure is intended to encourage and enable employees and councillors to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. With the exception of employment related grievances, this policy will apply to any act of Whistleblowing, as defined by the charity Public Concern at Work to mean; "A disclosure of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of its employees."

This policy and procedure applies to all employees, councillors, partners, volunteers and contractors. It also covers suppliers and members of the public.

These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures. Officers are responsible for making customers aware of the existence of these procedures.

This policy has been discussed with the relevant trade unions and has their support.

### 2.0 Aims and Scope of the Whistleblowing Policy

This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice without fear of recrimination.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.

- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- Advise you of the support that the Council will provide if you raise concerns in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Whistleblowing Policy and Procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damages to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- other unethical conduct
- unacceptable business risks.

This concern may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Procedure Rules and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

### **3.0 Safeguards**

#### **3.1 Harassment or Victimisation**

The Council is committed to good practice and high standards and wants to be supportive of employees and councillors.

The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service. In these situations, you are a witness and not a complainant.

The Council will not tolerate the harassment or victimisation of any person who raises a concern. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern and such behaviour by a councillor will be reported under the Members' Code of Conduct.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you if you are an employee.

### **3.2 Confidentiality**

All concerns will be treated in confidence and the Council will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation that is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reason for its disclosure, at this stage, has been fully discussed with you.

### **3.3 Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising this discretion, the factors to be taken into account would include the:

- seriousness of the issues raised;
- credibility of the concern; and
- likelihood of confirming the allegation from attributable sources.

### **3.4 Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you, or if you are a councillor a complaint may be made under the Members' Code of Conduct.

## **4.0 How to raise a concern**

You should normally raise concerns with the Monitoring Officer or the Section 151 Officer. However, if your concern relates to one of these officers you should raise your concerns with the Chief Executive.

Concerns may be raised verbally or in writing. Employees or councillors who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);  
and
- the reason why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Advice and guidance on how matters of concern may be pursued can be obtained from:

Chief Executive, Pamela Donnelly ☎ 282211  
Monitoring Officer, Andrew Weavers ☎ 282213  
Section 151 Officer, Paul Cook ☎ 505861  
Deputy Monitoring Officer, Hayley McGrath ☎ 508902  
Deputy Monitoring Officer, Julian Wilkins ☎ 282257.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

If you are an employee, you may invite your trade union or a friend to be present during any meetings or interviews in connection with the concerns you have raised. If you are a councillor, you may be accompanied by your group leader.

The Council has a dedicated email address [whistleblowing@colchester.gov.uk](mailto:whistleblowing@colchester.gov.uk)

Further guidance on protection for anyone raising a concern can be found in the Public Interests Disclosure Act 1998.

## 5.0 How the Council will respond

The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as rejecting them.

Where appropriate, the matters raised may be:

- investigated by management, Internal Audit, or through the disciplinary process
- referred to the police
- referred to the Council's external auditor
- the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Council will have in mind, is the public interest.

Some concerns may be resolved by agreed action without the need for investigation.

Within **five** working days of a concern being raised, one of the named Officers will write to you:

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and

- informing you whether further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Council will seek further information from you.

Where any meeting is arranged, off-site where appropriate, if you so wish, you can be accompanied by a union or professional association representative or a friend, or the group leader if you are a councillor.

The Council will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure and will help you with the preparation of statements.

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigation.

## **6.0 The Responsible Officer**

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will provide an annual report on the operation of the policy to the Governance and Audit Committee.

## **7.0 How the matter can be taken further**

This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- (a) Citizens Advice Bureau
- (b) relevant professional bodies or regulatory organisations
- (c) the police
- (d) Local Government and Social Care Ombudsman
- (e) the Council's Governance and Audit Committee.

If you are considering taking the matter outside of the Council, you should ensure that you are entitled to do so and that you do not disclose confidential information.

An independent charity, Protect, can offer independent and confidential advice. Protect can be contacted via their advice line on ☎ 020 3117 2520 or their website: <https://protect-advice.org.uk>

## **8.0 Questions regarding this policy**

Any questions should, in the first instance, be referred to the Monitoring Officer.

## **9.0 Review**

This policy will be reviewed annually.



Colchester  
City Council

# Anti-Money Laundering Policy

## 2022/23

A guide to the Council's anti-money  
laundering safeguards and reporting  
arrangements

[www.colchester.gov.uk](http://www.colchester.gov.uk)

November 2022

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## **ANTI-MONEY LAUNDERING POLICY**

### **1. Introduction**

Although local authorities are not directly covered by the requirements of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, guidance from CIPFA indicates that they should comply with the underlying spirit of the legislation and regulations.

Colchester City Council is committed to the highest possible standards of conduct and has, therefore, put in place appropriate and proportionate anti-money laundering safeguards and reporting arrangements.

### **2. Scope of the Policy**

This policy applies to all employees, whether permanent or temporary, and Members of the Council.

Its aim is to enable employees and Members to respond to a concern they have in the course of their dealings for the Council. Individuals who have a concern relating to a matter outside work should contact the Police.

### **3. Definition of Money Laundering**

Money laundering describes offences involving the integration of the proceeds of crime, or terrorist funds, into the mainstream economy. Such offences are defined under the Proceeds of Crime Act 2002 ("the Act") as the following 'prohibited acts':

- Concealing, disguising, converting, transferring or removing criminal property from the UK
- Becoming involved in an arrangement which an individual knows or suspects facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person
- Acquiring, using or possessing criminal property
- Doing something that might prejudice an investigation e.g. falsifying a document
- Failure to disclose one of the offences listed in a) to c) above, where there are reasonable grounds for knowledge or suspicion
- Tipping off a person(s) who is or is suspected of being involved in money laundering in such a way as to reduce the likelihood of or prejudice an investigation.

Provided the Council does not undertake activities regulated under the Financial Services and Markets Act 2000, the offences of failure to disclose and tipping off do not apply. However, the Council and its employees and Members remain subject to the remainder of the offences and the full provisions of the Terrorism Act 2000.

The Terrorism Act 2000 made it an offence of money laundering to become concerned in an arrangement relating to the retention or control of property likely to be used for the purposes of terrorism or resulting from acts of terrorism.

Although the term ‘money laundering’ is generally used to describe the activities of organised crime, for most people it will involve a suspicion that someone they know, or know of, is benefiting financially from dishonest activities.

Potentially very heavy penalties (unlimited fines and imprisonment up to fourteen years) can be handed down to those who are convicted of one of the offences above.

#### **4. Requirements of the Money Laundering Legislation**

The main requirements of the legislation are:

- To appoint a money laundering reporting officer
- Maintain client identification procedures in certain circumstances
- Implement a procedure to enable the reporting of suspicions of money laundering
- Maintain record keeping procedures.

#### **5. The Money Laundering Reporting Officer (MLRO)**

The Council has designated the Monitoring Officer as the Money Laundering Reporting Officer (MLRO) who can be contacted at [andrew.weavers@colchester.gov.uk](mailto:andrew.weavers@colchester.gov.uk) or on 01206 282213.

In the absence of the MLRO or in instances where it is suspected that the MLRO themselves are involved in suspicious transactions, concerns should be raised with the Council’s Section 151 Officer, Paul Cook.

#### **6. Client Identification Procedures**

Although not a legal requirement, the Council has developed formal client identification procedures which must be followed when Council land or property is being sold. These procedures require individuals and if appropriate, companies to provide proof of identity and current address.

If satisfactory evidence is not obtained at the outset of a matter, then the transaction must not be progressed and a disclosure report, available on the Council’s intranet (COLIN), must be submitted to the Money Laundering Reporting Officer.

All personal data collected must be kept in compliance with the Data Protection Act 2018.

#### **7. Reporting Procedure for Suspicions of Money Laundering**

Where you know or suspect that money laundering activity is taking/has taken place or become concerned that your involvement in a matter may amount to a prohibited act under the Act, you must disclose this as soon as practicable to the MLRO. The disclosure should be within “hours” of the information coming to your attention, not weeks or months later.

Your disclosure should be made to the MLRO using the disclosure report, attached at Appendix 1 to this policy. The report must include as much detail as possible including

- Full details of the people involved
- Full details of the nature of their/your involvement.

- The types of money laundering activity involved
- The dates of such activities
- Whether the transactions have happened, are ongoing or are imminent
- Where they took place
- How they were undertaken
- The (likely) amount of money/assets involved
- Why, exactly, you are suspicious.

Along with any other available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable him to prepare his report to the National Crime Agency (NCA), where appropriate. You should also enclose copies of any relevant supporting documentation.

If you are concerned that your involvement in the transaction would amount to a prohibited act under sections 327 – 329 of the Act, then your report must include all relevant details, as you will need consent from the NCA, via the MLRO, to take any further part in the transaction - this is the case even if the client gives instructions for the matter to proceed before such consent is given. You should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline.

Once you have reported the matter to the MLRO you must follow any given directions. You must NOT make any further enquiries into the matter yourself: any necessary investigation will be undertaken by the NCA. Simply report your suspicions to the MLRO who will refer the matter on to the NCA if appropriate. All members of staff will be required to co-operate with the MLRO and the authorities during any subsequent money laundering investigation.

Similarly, at no time and under no circumstances should you voice any suspicions to the person(s) whom you suspect of money laundering, even if the NCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO; otherwise, you may commit a criminal offence of “tipping off”.

Do not, therefore, make any reference on a client file to a report having been made to the MLRO – should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

## **8. Consideration of the disclosure by the Money Laundering Reporting Officer**

Upon receipt of a disclosure report, the MLRO must note the date of receipt on his section of the report and acknowledge receipt of it. He should also advise you of the timescale within which he expects to respond to you.

The MLRO will consider the report and any other available internal information he thinks relevant, for example:

- reviewing other transaction patterns and volumes
- the length of any business relationship involved
- the number of any one-off transactions and linked one-off transactions

- any identification evidence held.

The MLRO will undertake such other reasonable inquiries he thinks appropriate in order to ensure that all available information is taken into account in deciding whether a report to the NCA is required (such enquiries being made in such a way as to avoid any appearance of tipping off those involved). The MLRO may also need to discuss the report with you.

Once the MLRO has evaluated the disclosure report and any other relevant information, he must make a timely determination as to whether:

- there is actual or suspected money laundering taking place; or
- there are reasonable grounds to know or suspect that is the case; and
- whether he needs to seek consent from the NCA for a particular transaction to proceed.

Where the MLRO does so conclude, then he must disclose the matter as soon as practicable to the NCA on their standard report form and in the prescribed manner, unless he has a reasonable excuse for non-disclosure to the NCA (for example, if you are a lawyer and you wish to claim legal professional privilege for not disclosing the information).

Where the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then the MLRO must note the report accordingly; he can then immediately give his consent for any ongoing or imminent transactions to proceed.

In cases where legal professional privilege may apply, the MLRO must liaise with the Council's Section 151 Officer to decide whether there is a reasonable excuse for not reporting the matter to the NCA.

Where consent is required from the NCA for a transaction to proceed, then the transaction(s) in question must not be undertaken or completed until the NCA has specifically given consent, or there is deemed consent through the expiration of the relevant time limits without objection from the NCA.

Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then he shall mark the report accordingly and give his consent for any ongoing or imminent transaction(s) to proceed.

All disclosure reports referred to the MLRO and reports made by him to the NCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.

The MLRO commits a criminal offence if he knows or suspects, or has reasonable grounds to do so, through a disclosure being made to him, that another person is engaged in money laundering, and he does not disclose this as soon as practicable to the NCA.

## **9. Training**

Officers considered likely to be exposed to suspicious situations, will be made aware of these by their senior officer and provided with appropriate training.

Additionally, all employees and Members will be familiarised with the legal and regulatory requirements relating to money laundering and how they affect both the Council and them.

Notwithstanding the paragraphs above, it is the duty of officers and Members to report all suspicious transactions whether they have received their training or not.

## **10. Conclusion**

Given a local authority's legal position with regard to the legislative requirements governing money laundering, the Council believes that this Policy represents a proportionate response to the level of risk it faces of money laundering offences.

## **11. Review**

This policy will be reviewed annually.

CONFIDENTIAL

Appendix 1

**REPORT TO MONEY LAUNDERING REPORTING OFFICER**  
**RE: SUSPECTED MONEY LAUNDERING ACTIVITY**

**To:** Monitoring Officer, Money Laundering Reporting Officer  
**From:** ..... *[Name of employee]*  
**Department:** ..... *[Post title and Service Area]*  
**Ext / Tel No:** .....

**DETAILS OF SUSPECTED OFFENCE:****Name(s) and address(es) of person(s) involved:***[If a company / public body please include details of nature of business]***Nature, value and timing of activity involved:***[Please include full details e.g. what, where, how. Continue on a separate sheet if necessary]***Nature of suspicions regarding such activity:***[Please continue on a separate sheet if necessary]*

**Has any investigation been undertaken (as far as you are aware)?** *[Please tick relevant box]* Yes ☐ No ☐

**If yes, please include details below:**

**Have you discussed your suspicions with anyone else?** Yes ☐ No ☐  
*[Please tick relevant box]*

**If yes, please provide details of who the discussions took place with and explain why such discussion was necessary:**

Have you consulted any supervisory body guidance re: Yes ☐ No ☐  
money laundering (e.g. the Law Society) *[Please tick relevant box]*

If yes, please specify below:

Do you feel you have a reasonable justification for not Yes ☐ No ☐  
disclosing the matter to the NCA? (e.g. are you a lawyer and wish to  
claim legal privilege?) *[Please tick relevant box]*

If yes, please set out full details below:



Are you involved in a transaction which might be a prohibited act under sections 327-329 of the Act and which requires appropriate consent from the NCA

Yes ☐No ☐

*[Please tick relevant box]*

If yes, please include details below:

Please set out below any other information you feel is relevant:

***Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of 5 years imprisonment.***

Signed: .....

Dated: .....



# Code of Practice on Covert Surveillance 2022/23

A guide to the Council's approach to the  
Regulation of Investigatory Powers Act  
2000

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# CODE OF PRACTICE ON COVERT SURVEILLANCE

## 1.0 INTRODUCTION

The Council enforces the law in a number of areas. As part of this enforcement there will be occasions where surveillance of individuals or property is necessary to ensure that the law is being complied with. When the Council does decide to undertake surveillance, it is important that it remains within the law which is contained in the Regulation of Investigatory Powers Act 2000 (“the Act”) as amended by the Protection of Freedoms Act 2012 and the Investigatory Powers Act 2016.

The GOV website provides an overview of the Act and procedures:

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/>

The Act sets out certain criteria that the Council has to comply with before it undertakes surveillance and those are also reflected in the Home Office Code of Practice on Covert Surveillance and Property Interference (“the Code of Practice”) which is available on its website:

[CHIS Code \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

The Home Office has also issued guidance on the judicial approval process for the Regulation of Investigatory Powers (RIPA) Act 2000 and the crime threshold for directed surveillance. This is available on the Home Office website:

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/local-authority-england-wales?view=Binary>

Officers will need to familiarise themselves with the contents of the Code of Practice and the Code.

The Investigatory Powers Commissioner’s Office has responsibility for oversight of investigatory powers.

<https://www.ipco.org.uk/>

The Council will comply with the Code when carrying out directed surveillance and officers should be aware of its provisions. Failure to observe the provisions of the Act may result in the protection of the Act not being available. This may mean that the evidence gathered:

- *is not admissible in court proceedings.*
- *is a breach of an individual's human rights.*

This policy sets out how Colchester City Council (including Colchester Borough Homes) will comply with the Act, the Code and the Code of Practice. It also clarifies the circumstances in which officers will be able to use covert surveillance and the internal requirements that will need to be observed when conducting that surveillance.

The Policy Statement should be read in conjunction with the Council's Data Protection Policy.

The Policy Statement will be made available for inspection at Council offices.

Any officer considering an application under the Act should first seek the advice of the Senior Responsible Officer in Legal Services.

## **2.0 What does the Act and the Code cover?**

The Act and the Code cover covert surveillance, which is defined in the Act as being surveillance which *“is carried out in manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place”*.

### **2.1 Directed surveillance**

Local authorities can only use a form of covert surveillance called “directed surveillance”. This is defined in the Act as where the surveillance is covert but not intrusive and is undertaken:

- for the purposes of a specific investigation or operation
- in such a manner as is likely to result in the obtaining of private information about a person (whether or not specifically identified for the purposes of the investigation) and
- otherwise, than by way of an immediate response to events or circumstances, the nature of which is such that it would not be reasonably practicable for an authorisation under the Act to be sought.

“Private Information” in relation to a person includes any information relating to their private or family life.

Surveillance is not covert if notification has been sent to the intended subject of the surveillance. For example, in a noise nuisance case a letter notifying a subject that the noise will be monitored by officers visiting will make the surveillance overt. However, as a matter of good practice, surveillance should be considered covert if the notification to the subject is over 3 months old. All communications of this nature should be sent by Registered Post or delivered by hand.

### **2.2 General observations**

General observations by officers in the course of their duties are not covered by the Act

Directed surveillance will not include surveillance that is undertaken as an immediate response to events or circumstances which, by their nature could not have been foreseen. This will include situations where officers are out in the normal course of their duties and happen to witness an activity, for example a housing officer visiting tenants and witnessing anti-social behaviour by an individual. *In other words, where there is no systematic surveillance.*

If there is any doubt as to whether a RIPA authorisation is required, you must seek advice from the Council's Legal Services.

## 2.3 Intrusive surveillance

"Intrusive Surveillance" is surveillance that is:

- carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

***Intrusive Surveillance cannot be authorised by local authority officers and all officers are strictly prohibited from engaging in Intrusive Surveillance.***

## 2.4 Covert Human Intelligence Sources

The Council is also permitted to use Covert Human Intelligence Sources under the Act. A Covert Human Intelligence Source is someone who establishes or maintains a personal or other relationship for the covert purpose of helping the covert use of the relationship to obtain information. However, at the current time the Council does not consider this necessary and will not use Covert Human Intelligence Sources.

All officers are strictly prohibited from using Covert Human Intelligence Sources.

Unlike directed surveillance, which relates specifically to private information, authorisations for the use or conduct of a Covert Human Intelligence Source do not relate specifically to private information, but to the covert manipulation of a relationship to gain any information. European Court of Human Rights case law makes it clear that Article 8 of the European Convention on Human Rights includes the right to establish and develop relationships. Accordingly, any manipulation of a relationship by a public authority (e.g., one party having a covert purpose on behalf of a public authority) is likely to engage Article 8, regardless of whether or not the public authority intends to acquire private information.

Not all human source activity will meet the definition of a Covert Human Intelligence Source. For example, a source may be a public volunteer who discloses information out of professional or statutory duty or has been tasked to obtain information other than by way of a relationship.

Certain individuals will be required to provide information to public authorities or designated bodies out of professional or statutory duty. For example, employees within organisations regulated by the money laundering provisions of the Proceeds of Crime Act 2002 will be required to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 and report suspicious transactions. Similarly, financial officials, accountants or company administrators may have a duty to provide information that they have obtained by virtue of their position to the Serious Fraud Office.

Any such regulatory or professional disclosures should not result in these individuals meeting the definition of a Covert Human Intelligence Source, as the business or

professional relationships from which the information derives will not have been established or maintained for the covert purpose of disclosing such information.

Individuals or members of organisations (e.g. travel agents, housing associations and taxi companies) who, because of their work or role have access to personal information, may voluntarily provide information to the police on a repeated basis and need to be managed appropriately. Public authorities must keep such human sources under constant review to ensure that they are managed with an appropriate level of sensitivity and confidentiality, and to establish whether, at any given stage, they could be regarded as a Covert Human Intelligence Source.

Any officer concerned must seek urgent advice from the Senior Responsible Officer.

### 3.0 Areas of operation

The Council has examined its functions and considers that the following areas may use directed surveillance from time to time. The following is not meant to be an exhaustive list but covers areas where directed surveillance may be necessary in the course of the Council's business.

- Neighbour nuisance and anti-social behaviour
- Protection of Council property
- Licensing enforcement
- Fraud against the Council (including benefit fraud)
- Misuse of Council property, facilities and services
- Enforcement of the planning regime
- Environmental monitoring and control
- Food Safety enforcement.
- CCTV, but more on this later (see 8.2).

However, this is subject to the crime threshold referred to at 5.0 below.

### 4.0 AUTHORISATION AND AUTHORISING OFFICERS

If directed surveillance is proposed to be carried out, then **authorisation must be sought**.

Under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 as amended by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015, the Council considers that the following officers can authorise directed surveillance ("Authorising Officer"):

Chief Executive;  
Chief Operating Officer; and  
Executive Director.

Any case involving Confidential Information must be authorised by the Chief Executive.

An Authorising Officer when being requested to authorise directed surveillance must be satisfied that the request is necessary and meets the criteria set down in the Act, the Code and the Code of Practice. An Authorising Officer must not authorise directed surveillance connected with an investigation in which they are directly involved.

Any application to extend or cancel surveillance must also be approved by an Authorising Officer.

Once any application is approved by the Authorising Officer it must be referred to Legal Services who will make an application for approval by a Magistrate.

No directed surveillance may be undertaken by the Council without the prior approval of a Magistrate.

## 5.0 CRIME THRESHOLD

The Code of Practice states that the Council:

- **can** only grant an authorisation under RIPA for the use of directed surveillance where it is investigating criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.
- **cannot** authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment.
- **can** authorise use of directed surveillance in more serious cases as long as the other tests are met – i.e., that it is necessary and proportionate and where prior approval from a Magistrate has been granted. Examples of cases where the offence being investigated attracts a maximum custodial sentence of six months or more could include more serious criminal damage, dangerous waste dumping and serious or serial benefit fraud.
- **can** authorise the use of directed surveillance for the purpose of preventing or detecting specified criminal offences relating to the underage sale of alcohol and tobacco where the necessity and proportionality test is met and prior approval from a Magistrate has been granted.
- **cannot** authorise the use of directed surveillance under RIPA to investigate disorder that does not involve criminal offences or to investigate low-level offences which include, for example, littering, dog control and fly-posting.



## 6.0 GROUNDS FOR GRANTING AN AUTHORISATION

An authorisation for directed surveillance may only be granted if the Authorising Officer believes that authorisation is necessary:

**for the purposes of preventing or detecting crime or of preventing disorder and it meets the crime threshold mentioned in 5.0 above.**

AND the Authorising Officer must also be satisfied and believe that the surveillance is proportionate to what it seeks to achieve.

The Code advises that following elements of proportionality should be fully considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived mischief;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others;
- that the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result; and
- providing evidence of other methods considered and why they were not implemented.

Covert surveillance will only be used for one of the legitimate purposes where sufficient evidence exists to justify the surveillance and the surveillance is the least intrusive method of meeting that purpose. The surveillance itself must be a proportionate response to the issue it is seeking to address. Consideration should be given to alternative methods of resolving the situation or obtaining the evidence sought and this should be documented.

Particular attention should be paid to the effect of the surveillance on the privacy of other persons ("collateral intrusion"). Measures should be taken to avoid or minimise intrusion. Any collateral intrusion should be taken into account when an Authorising Officer is assessing proportionality.

## 7.0 PROCEDURE FOR AUTHORISATIONS, CANCELLATIONS AND RENEWALS

### 7.1 Authorisations

An authorisation must be granted by those persons authorised at 4 above. No other person is permitted to authorise directed surveillance.

Authorisations must be in writing on the form attached.

Authorisation cannot be given to operations after they have commenced. Failure to obtain correct authorisation may mean that evidence is not admissible in legal proceedings and may breach a subject's human rights.

The authorisation form must be kept on the relevant case papers and held securely. A copy of the authorisation must be passed to Legal Services to be held on a central file and monitored for consistency of approach of Authorising Officers and validity.

An authorisation period begins on the date and time the authorisation is approved by a magistrate and will cease to have effect (unless renewed) at the end of a period of *three months* beginning with the day on which it took effect.

## **7.2 Magistrates' Approval**

Once an authorisation form has been completed Legal Services will:

- contact the Magistrates' Court to arrange for a hearing
- supply the court with a partially completed judicial application/order form
- supply the court with a copy of the authorisation and any supporting documents setting out the Council's case
- the hearing will be in private and be heard by a single Justice of the Peace.

The Justice of the Peace may decide to either:

- (i) approve the grant (or renewal) of an authorisation; or
- (ii) refuse to approve the grant (or renewal) of an authorisation.

It is preferable for the Authorising Officer also to attend the hearing to give the Bench assistance if necessary.

## **7.3 Review**

Officers should, as a matter of good practice, review authorisations on a regular basis during the course of that surveillance to ensure that the authorisation still meets the criteria. If it does not, the authorisation should be cancelled using the procedure described below. A review form is attached. Officers in charge of investigations will be required to keep a record of these reviews and will submit a record of that review (normally by email) to the Monitoring Officer to be held centrally.

## **7.4 Renewals**

A renewal of an authorisation can be made shortly before it expires and must be done on the form attached. The original should be kept on the case file and a copy passed to the Monitoring Officer for retention centrally. When considering whether to grant a renewal of an authorisation the Authorising Officer will consider the same factors outlined at 5 above. All renewals must be subject of an application to the Magistrates' Court in line with the procedure at 7.2 above.

## **7.5 Cancellations**

The Authorising Officer who last granted or renewed the authorisation must cancel it if s/he is satisfied that the directed surveillance no longer meets the criteria for authorisation. A

cancellation should be made on the form attached. The original should be retained on the case file and a copy passed to Legal Services for retention centrally.

Authorisations, renewals and cancellations are subject to monitoring on an annual basis by the Monitoring Officer as to validity under the Act and the Code.

## 7.6 Audit

At the end of each calendar year each of the Authorising Officers referred to at 4 must provide the Monitoring Officer with a list of all directed surveillance authorised by them throughout that year or provide written and signed confirmation that no such surveillance has been authorised by them

## 8.0 MISCELLANEOUS POINTS

### 8.1 Material obtained from covert surveillance ("product")

Material produced as a result of covert surveillance will be secured and transported securely. Where the product obtained is to be used in criminal proceedings the Council must comply with the provisions of the Police and Criminal Evidence Act 1984. In all other cases the treatment of product must follow Council's guidelines on access, retention and storage as set out in the Data Protection Policy.

### 8.2 CCTV

The Act and the Code will not usually apply to use of an overt CCTV system because the public are aware that the system is in use. However there are circumstances where the system is used for the purposes of a *specific operation or investigation* and in these circumstances an authorisation will be required. If the police assume operational control of the system an authorisation complying with their own procedures must be supplied to the Council. Further information in respect of these procedures can be found in the Council's CCTV Code of Practice, which has been produced in conjunction with Essex Police.

## 9.0 SOCIAL MEDIA

With the increasing use of social media there is a significant amount of information on an individual's social networking pages. This information might be relevant to an investigation being undertaken by the Council. However, unguided research into the sites of suspects could fall within the remit of RIPA and therefore require authorisation prior to it being undertaken. **You should therefore seek advice from Legal Services prior to undertaking any investigation using social networking sites.**

Where privacy settings are available but not applied the data available on Social Networking Sites may be considered 'open source' and an authorisation is not usually required. However, privacy implications may still apply even if the subject has not applied privacy settings (section 3.13 of the Code).

Repeat viewing of 'open source' sites, however, may constitute directed surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored

through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for directed surveillance.

To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Officers should be mindful of any relevant guidance and the Council's separate Use of Social Media in Investigations Policy and Procedure attached at Annex 1 of this Policy.

## **10.0 TRAINING**

The Council will ensure that the Officers who are authorising directed surveillance are appropriately trained.

All Authorising Officers and those routinely engaged in directed surveillance have been provided with this guidance, have access to the Code and the standard forms.

This Code of Practice and the standard forms are available in electronic format on the Council's intranet, COLIN.

## **11.0 GENERAL BEST PRACTICES**

The following guidelines are considered as best working practices by all public authorities with regard to all applications for authorisations covered by the Code:

- applications should avoid any repetition of information;
- information contained in applications should be limited to that required by the relevant legislation;
- an application should not require the sanction of any person in the Council other than the Authorising Officer;
- where it is foreseen, that other agencies will be involved in carrying out the surveillance, these agencies should be detailed in the application;
- authorisations should not generally be sought for activities already authorised following an application by the same or a different public authority.

## **12.0 SENIOR RESPONSIBLE OFFICER**

The Council's nominated Senior Responsible Officer in accordance with the Code is Andrew Weavers, Monitoring Officer who will be responsible for:

- the integrity of the process in place within the Council to authorise directed surveillance
- compliance with Part II of the Act, the Code and the Code of Practice
- engagement with the Investigatory Powers Commissioner's Office and inspectors when they conduct their inspections, and where necessary, overseeing the

- implementation of any post inspection action plans recommended or approved by a Commissioner
- assurance that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Investigatory Powers Commissioner's Office
- supervising the maintenance of records.

## 13.0 COMMUNICATIONS DATA

**Before considering submitting an application for the acquisition of communications data, all officers must first refer the matter to the Senior Responsible Officer.**

Communications Data is the 'who', 'when' and 'where' of a communication, but not the 'what' (i.e. the content of what was said or written). Local Authorities are not permitted to intercept the content of any person's communications.

Part 3 of the Investigatory Powers Act 2016 (IPA) replaced part 1 chapter 2 of the Act in relation to the acquisition of communications data and puts local authorities on the same standing as the police and law enforcement agencies. Previously local authorities have been limited to obtaining subscriber details (known now as "entity" data) such as the registered user of a telephone number or email address. Under the IPA, local authorities can now also obtain details of in and out call data, and cell site location. This information identifies who a criminal suspect is in communication with and whereabouts the suspect was when they made or received a call, or the location from which they were using an Internet service. This additional data is defined as "events" data.

A new threshold for which communications data "events" data can be sought has been introduced under the IPA as "applicable crime". Defined in section 86(2A) of the IPA this means: an offence for which an adult is capable of being sentenced to one year or more in prison; any offence involving violence, resulting in substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal; any offence committed by a body corporate; any offence which involves the sending of a communication or a breach of privacy; or an offence which involves, as an integral part of it, or the sending of a communication or breach of a person's privacy.

Further guidance can be found in paragraphs 3.3 to 3.13 of the Communications Data Code of Practice published on the Home Office website:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/757850/Communications\\_Data\\_Code\\_of\\_Practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757850/Communications_Data_Code_of_Practice.pdf)

The IPA has also removed the necessity for local authorities to seek the endorsement of a Justice of the Peace when seeking to acquire communications data. All such applications must now be processed through the National Anti-Fraud Network ("NAFN") and will be considered for approval by the independent Office of Communication Data Authorisation ("OCDA"). The transfer of applications between local authorities, NAFN and OCDA is all conducted electronically and will therefore reduce what can be a protracted process of securing an appearance before a Magistrate or District Judge (see local authority procedures set out in paragraphs 8.1 to 8.7 of the Communications Data Code of Practice).

## 14.0 COMPLAINTS

The Act, the Code and the Code of Practice are subject to monitoring by the Investigatory Powers Commissioner's Office. Any complaints regarding use of surveillance powers should be dealt with initially through the Council's Complaints and Compliments Procedure. If this does not result in a satisfactory outcome for the complainant then they should be referred to:

The Investigatory Powers Tribunal  
PO Box 33220  
London SW1V 9QZ  
Tel: 0207 035 3711  
Website : [www.ipt-uk.com](http://www.ipt-uk.com)

## 15.0 QUERIES ABOUT THIS CODE OF PRACTICE

Any queries regarding this Code of Practice should be referred to the Monitoring Officer, Andrew Weavers by email at [andrew.weavers@colchester.gov.uk](mailto:andrew.weavers@colchester.gov.uk) or ☎ 01206 282213

## 16.0 REVIEW

This Code of Practice will be reviewed annually.



# Use of Social Media in Investigations Policy and Procedure

## 2022/23

A guide to the Council's approach to the use of social media in relation to Regulation of Investigatory Powers Act 2000 investigations.

[www.colchester.gov.uk](http://www.colchester.gov.uk)

# **USE OF SOCIAL MEDIA IN INVESTIGATIONS**

## **POLICY AND PROCEDURES**

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## **1.0 INTRODUCTION & BACKGROUND**



- 1.1 Social Media has become a significant part of many people's lives. By its very nature, Social Media accumulates a sizable amount of information about a person's life, from daily routines to specific events. Their accessibility on mobile devices can also mean that a person's precise location at a given time may also be recorded whenever they interact with a form of Social Media on their devices. All of this means that incredibly detailed information can be obtained about a person and their activities.
- 1.2 Social Media can therefore be a very useful tool when investigating alleged offences with a view to bringing a prosecution in the courts. The use of information gathered from the various different forms of Social Media available can go some way to proving or disproving such things as whether a statement made by a defendant, or an allegation made by a complainant, is truthful or not. However, there is a danger that the use of Social Media can be abused, which would have an adverse effect, damaging potential prosecutions and even leave the Council open to complaints or criminal charges itself.
- 1.3 This Policy sets the framework on which the Council may utilise Social Media when conducting investigations into alleged offences. Whilst the use of Social Media to investigate is not automatically considered covert surveillance, its misuse when conducting investigations can mean that it crosses over into the realms of covert and/or targeted surveillance, even when that misuse is inadvertent. It is therefore crucial that the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA), as it relates to covert and directed surveillance, are followed at all times when using Social Media information in investigations.
- 1.4 It is possible for the Council's use of Social Media in investigating potential offences to cross over into becoming unauthorised surveillance, and in so doing, breach a person's right to privacy under Article 8 of the Human Rights Act. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not obtained, the surveillance carried out will not have the protection that RIPA affords and may mean it is rendered inadmissible.
- 1.5 It is the aim of this Procedure to ensure that investigations involving the use of Social Media are done so lawfully and correctly so as not to interfere with an accused's human rights, nor to require authorisation under RIPA, whilst ensuring that evidence gathered from Social Media is captured and presented to court in the correct manner.
- 1.6 Officers who are involved in investigations, into both individuals and business they suspect to have committed an offence, should consult Legal Services if they are unsure about any part of this Policy and how it affects their investigative practices.

## **2.0 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

- 2.1 With the increasing use of smartphones and personal devices, there is a significant amount of information on an individual's Social Media pages. This information might be relevant to an investigation being undertaken by the Council. However, unguided research into the sites of suspects could fall within the remit of RIPA and therefore require authorisation prior to it

being undertaken. Officers should therefore seek advice from Legal Services prior to undertaking any investigation using Social Media sites.

- 2.2 Officers embarking on any form of investigatory action should always do so with RIPA in mind. Whilst RIPA will not always be relevant to every investigation, it is vital that officers involved in investigative practices against individuals, regularly review their conduct with respect to investigatory actions. Any investigation is capable of evolving from being one that does not require RIPA authorisation, to one that does, at any point.
- 2.3 Accordingly, this Policy should be read in conjunction with the Council's current Code of Practice on Covert Surveillance, as well as the statutory codes of practice issued by the Secretary of State and the Office of Surveillance Commissioners' Guidance.
- 2.4 Instances of repeated and/or regular monitoring of Social Media accounts, as opposed to one-off viewing, may require RIPA authorisation. Advice should be sought from Legal Services where it is envisaged that this level of monitoring will be required in relation to a particular investigation. See paragraph 6.2 below.

### **3.0 WHAT IS MEANT BY 'SOCIAL MEDIA' FOR THE PURPOSES OF THIS POLICY**

- 3.1 Social Media, sometimes also referred to as a Social Network, can take many forms. This makes defining Social Media, for the purposes of this policy, difficult, however there are some facets which will be common to all forms of Social Media.
- 3.2 Social Media will always be a web-based service that allows individuals and/or businesses to construct a public or semi-public profile. Beyond this, Social Media can be very diverse, but will often have some, or all, of the following characteristics;
- The ability to show a list of other users with whom they share a connection; often termed "friends" or "followers",
  - The ability to view and browse their list of connections and those made by others within the system
  - Hosting capabilities allowing users to post audio, photographs and/or video content that is viewable by others

Social Media can include community-based web sites, online discussions forums, chatrooms and other social spaces online as well.

- 3.3 Current examples of the most popular forms of Social Media, and therefore the most likely to be of use when conducting investigations into alleged offences, include:

Facebook	Twitter	Instagram
LinkedIn	Pintrest	Tumblr
Reddit	Flickr	Google+

- 3.4 The number and type of Social Media available to the public is fluid. In a given year, many new sites can open whilst some of the more established names can wain in popularity. This Policy will concentrate on Social Media generally and will not make reference to specific sites or services.

#### **4.0 PRIVACY SETTINGS**

- 4.1 The majority of Social Media services will allow its users to decide who can view their activity, and to what degree, through the use of privacy settings. Whilst some users are happy, or otherwise indifferent about who is able to view their information, others prefer to maintain a level of privacy.
- 4.2 Depending on their intentions, many users will purposely use Social Media with no privacy setting applied whatsoever. This could be due to the fact that they are actively promoting something, such as a business or event, and therefore require as many people as possible to be able to view their Social Media profile at all times; others may do so for reasons of self-promotion or even vanity. The information publicly available is known as an individual's public profile.
- 4.3 Those individuals with public profiles who operate on Social Media without any, or only limited, forms of privacy settings being activated do so at their own risk. Often, Social Media sites will advise its users through its terms and conditions of the implications of not activating privacy controls, namely that all content they publish or share will be viewable by everyone, including sometimes people who, themselves, do not have an account with that provider.
- 4.4 Whilst the content or information shared by individuals on Social Media remains the property of that individual, it is nonetheless considered to be in the public domain. Publishing content or information using a public, rather than a private setting, means that the individual publishing it is allowing everyone to access and use that information, and to associate it with them.
- 4.5 The opposite of a public profile is a private profile. Some users of Social Media will not wish for their content, information or interactions to be viewable to anyone outside of a very small number of people, if any. In these instances, users will normally set a level of privacy on their Social Media profiles that reflects what they are comfortable with being made available, meaning that, for example, only friends, family and other pre-approved users are able to view their content or contact them through that site.
- 4.6 By setting their profile to private, a user does not allow everyone to access and use their content, and respect should be shown to that person's right to privacy under Article 8 of the Human Rights Act. This does not, however, extend to instances where a third party takes it upon themselves to share information which originated on a private profile on their own Social Media profile. For example, Person A publicises on their *private* Social Media page that they intend to throw a party, at which they will be selling alcohol and providing other forms of licensable activities, despite

not having a licence from the Council to do so. Person B, who “follows” Person A’s Social Media page, re-publishes this information on their *public* Social Media page. The information on Person A’s profile cannot be used, however the same information on Person B’s profile, can.

## **5.0 WHAT IS PERMITTED UNDER THIS POLICY**

- 5.1 Whether or not Social Media can be used in the course of investigating an offence, or potential offence, will depend on a number of things, not least of which is whether the suspect has a Social Media presence at all. Investigating offences will always be a multi-layered exercise utilising all manner of techniques, and it is important not to place too high an emphasis on the use of Social Media in place of more traditional investigative approaches.
- 5.2 Further to this, a lack of information on an individual’s Social Media profile should not be taken as evidence that something is or is not true. For example, a lack of evidence corroborating an individual’s assertions that they were at a particular location on a specific day does not prove that they are being misleading and it is important to consider it only as part of a well-rounded investigation.
- 5.3 For those individuals who do have a presence on Social Media, a lot of what is permitted under this policy for use in investigations will depend on whether they have a public or private profile. As outlined in 4.4 above, where a person publishes content on a public profile, they allow everyone, including those not on that particular Social Media platform, to access and use that information whilst also allowing it to be associated with them.
- 5.4 In practice, this means that things such as photographs, video content or any other relevant information posted by individuals and businesses to a public profile on any given Social Media platform can be viewed, recorded and ultimately used as evidence against them should the matter end in legal proceedings, subject to the usual rules of evidence.
- 5.5 When considering what is available on an individual’s public Social Media profile, those investigating an offence, or potential offence, should always keep in mind what relevance it has to that investigation. Only information that is relevant to the investigation at hand, and goes some way toward proving the offence, should be gathered. If there is any doubt as to whether something is relevant, then advice should be sought from Legal Services.

## **6.0 WHAT IS NOT PERMITTED UNDER THIS POLICY**

- 6.1 When it is discovered that an individual under investigation has set their Social Media account to private, Officers should not attempt to circumvent those settings under any circumstances. Such attempts would include, but are not limited to;
- sending “friend” or “follow” requests to the individual,
  - setting up or using bogus Social Media profiles in an attempt to gain access to the individual’s private profile,
  - contacting the individual through any form of instant messaging or chat function requesting access or information,

- asking family, friends, colleagues or any other third party to gain access on their behalf, or otherwise using the Social Media accounts of such people to gain access, or
- any other method which relies on the use of subterfuge or deception.

Officers should keep in mind that simply using profiles belonging to others, or indeed fake profiles, in order to carry out investigations does not provide them with any form of true anonymity. The location and identity of an officer carrying out a search can be easily traced through tracking of IP Addresses, and other electronic identifying markers.

6.2 A distinction is made between one-off and repeated visits to an individual's Social Media profile. As outlined at paragraph 2 above, a RIPA authorisation must be sought in order to carry out directed surveillance against an individual. Whilst one-off visits, or otherwise infrequent visits spread out over time, cannot be considered "directed surveillance" for the purposes of RIPA, repeated or frequent visits may cross over into becoming "directed surveillance" requiring RIPA authorisation. A person's Social Media profile should not, for example, be routinely monitored on a daily or weekly basis in search of updates, as this will require RIPA authorisation, the absence of which is an offence. For further guidance on this point, officers should contact Legal Services.

6.3 Regardless of whether the Social Media profile belonging to a suspected offender is set to public or private, it should only ever be used for the purposes of evidence gathering. Interaction or conversation of any kind should be avoided at all costs, and at no stage should a Council Officer seek to make contact with the individual through the medium of Social Media. Any contact that is made may lead to accusations of harassment or, where a level of deception is employed by the Officer, entrapment, either of which would be detrimental and potentially fatal to any future prosecution that may be considered.

## **7.0 CAPTURING EVIDENCE**

7.1 Once content available from an individual's Social Media profile has been identified as being relevant to the investigation being undertaken, it needs to be recorded and captured for the purposes of producing as evidence at any potential prosecution. Depending on the nature of the evidence, there are a number of ways in which this may be done.

7.2 Where evidence takes the form of a readable or otherwise observable content, such as text, status updates or photographs, it is acceptable for this to be copied directly from the site, or captured via a screenshot, onto a hard drive or some other form of storage device, and subsequently printed to a hard copy. The hard copy evidence should then be exhibited to a suitably prepared witness statement in the normal way.

7.3 Where evidence takes the form of audio or video content, then efforts should be made to download that content onto a hard drive or some other form of storage device such as a CD or DVD. Those CD's and/or DVD's should then be exhibited to a suitably prepared witness statement in the normal way. Any difficulties in downloading this kind of evidence should be

brought to the attention of the Council's IT Team who will be able to assist in capturing it.

- 7.4 When capturing evidence from an individual's public Social Media profile, steps should be taken to ensure that all relevant aspects of that evidence are recorded effectively. For example, when taking a screenshot of a person's Social Media profile, the Council Officer doing so should make sure that the time and date are visible on the screenshot in order to prove when the evidence was captured. Likewise, if the evidence being captured is a specific status update or post published on the suspected offender's profile, steps should be taken to make sure that the date and time of that status update or post is visible within the screenshot. Without this information, the effectiveness of the evidence is potentially lost as it may not be admissible in court.
- 7.5 Due to the nature of Social Media, there is a significant risk of collateral damage in the form of other, innocent parties' information being inadvertently captured alongside that of the suspected offenders. When capturing evidence from a Social Media profile, steps should be taken to minimise this collateral damage either before capturing the evidence, or subsequently through redaction. This might be particularly prevalent on Social Media profiles promoting certain events, where users are encouraged to interact with each other by posting messages or on photographs where other users may be making comments.

## **8.0 OTHER INFORMATION TECHNOLOGY TOOLS AVAILABLE FOR INVESTIGATIVE PURPOSES**

- 8.1 Whilst Social Media can be a useful and fruitful means of investigating offences and potential offences, it is by no means the only tool available within the realm of Information Technology. A vast array of other, mostly web-based tools are also at the disposal of those conducting investigations. For example, where there is a website advertising the services of a local business, and there is evidence that this business is engaging in illegal activity, there are IT tools available that can track who is responsible for setting up that website, and so can be a good starting point when trying to link potential offenders to the offending business.
- 8.2 For assistance in identifying which tools may be appropriate, and how best to utilise them, advice should be sought from the Legal Services and or the Council's IT team.

## **9.0 RETENTION AND DESTRUCTION OF INFORMATION**

- 9.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should **not** be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018, the Freedom of Information Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the Data Protection Officer or the Monitoring Officer.

9.2 Personal data gathered by the Council is subject to the Data Protection Act 2018. When considering whether to retain the data, the Council should:

- review the length of time it keeps personal data;
- consider the purpose or purposes it holds the information for in deciding whether (and for how long) to retain it;
- ensure that there is a lawful basis for processing the personal data
- securely delete information that is no longer needed for this purpose or these purposes; and
- update, archive or securely delete information if it goes out of date
- ensure that whilst data is held it is kept secure at all times

9.3 Due to the nature of Social Media, it is important to remember that when information produced as a hard copy is destroyed in line with this paragraph, that all digital copies of that evidence is likewise destroyed.

## **10.0 REVIEW**

10.1 This Policy will be reviewed annually in line with the Council's Code of Practice on Covert Surveillance to ensure that both documents remain current and compliant with relevant legal requirements and best practice guidance.



Colchester  
City Council

# Data Protection Policy

August 2022

[www.colchester.gov.uk](http://www.colchester.gov.uk)



# Data Protection Policy

## CONTEXT

Colchester City Council needs to collect and use information about the people with whom it works; members of the public; current, past and prospective employees; customers; suppliers and others in order to carry out its duties. This Data Protection Policy sets out the organisation's commitment and approach to data protection and provides a clear frame of reference for employees to determine the organisation's standards, aims, and ideals in respect of data protection compliance.

The processing of personal data in the United Kingdom is regulated by law. The principle statutory instrument setting out the legal obligations of those handling personal data is the Data Protection Act 2018 (DPA 2018). Other laws inter-relate with the DPA 2018 including, but not limited to, the UK General Data Protection Regulation (GDPR), the Privacy and Electronic Communications Regulations (2003) and the Freedom of Information Act (2000). These laws are collectively referred to in this Policy as Data Protection Legislation.

## POLICY STATEMENT

Colchester City Council is committed to compliance with all relevant Data Protection Legislation and will formally delegate appropriate powers and responsibilities to its personnel to ensure that it is fully able to comply with Data Protection Legislation and its own defined standards in the field of data protection and information governance.

The Council will ensure that sufficient and appropriate resources are available to ensure that it meets both its legal obligations in respect of Data Protection Legislation and the standards that it sets through its policies. The Council will ensure that the organisation works within the 6 data protection principles and that it will implement sufficient controls to ensure that it is able to demonstrate compliance with the Data Protection Legislation including the keeping of sufficient records of data processing activities, risk assessments and decisions relating to data processing activities.

The Council will uphold the rights and freedoms of people conferred on them by the Data Protection Legislation. It will ensure that those rights and freedoms are appropriately taken into account in the decisions it takes which may affect people and will ensure that it has sufficient controls in place to assist people who wish to exercise their rights. The Council will ensure that data subjects have appropriate access, upon written request, to personal information relating to them and will ensure the data subjects' rights to rectification, erasure, restriction, portability and object are adhered to.

This policy applies to all Council activities and operations which involve the processing of personal data. This policy applies to anyone who is engaged to process personal data for or on behalf of the Council including: employees, volunteers, casual and temporary staff, directors and officers, Councillors and third-parties such as sub-contractors and suppliers, and anyone who the Council shares or discloses personal data with/to.

The Council will ensure that all personal data is handled properly and with confidentiality, at all times, irrespective of whether it is held on paper or by electronic means. This includes:

- The obtaining of personal data
- The storage and security of personal data
- The use and processing of personal data
- The disposal of or destruction of personal data.

## THE PRINCIPLES OF DATA PROTECTION

Whenever collecting or handling information about people the Council will ensure that:

- Personal data is processed, lawfully, fairly and in a transparent manner
  - No data collection or processing activities will be undertaken or commissioned without an appropriate privacy notice being provided to the person about whom data are being collected
  - No data collection or processing activities will be undertaken or commissioned without there being a lawful ground for the data processing activities intended to be applied to the personal data
- The purposes for which personal data is obtained and processed are specified and that data is not used for any other purpose (unless permitted within the legislation)
- Processing of personal data is adequate relevant and limited to what is necessary
- It uses reasonable endeavours to maintain data as accurate and up-to-date as possible
- Personal data is retained only for as long as necessary
  - The Council will maintain a data retention schedule setting out approved retention periods
- Data is disposed of properly
- All personal data is processed in accordance with the rights of the individual concerned
- Personal data is processed in an appropriate manner to maintain security
- The movement of personal data is done in a lawful way, both inside and outside the Council, and that suitable safeguards exist, at all times.
- A Data Breach Reporting Procedure is maintained
  - All employees and those with access to personal data are aware of it
  - The Council will log all personal data breaches and will investigate each incident without delay
  - Appropriate remedial action will be taken as soon as possible to isolate and contain the breach, evaluate and minimise its impact, and to recover from the effects of the breach
  - If a breach is assessed as meeting the threshold for reporting to the Information Commissioner's Office, a report will be made without delay
- They strive to foster a culture of data protection by design and by default in all data processing activities

- The Council's Chief Executive Officer is the Accountable Officer ultimately responsible for ensuring that all information is appropriately protected.

## DEFINITION OF SPECIAL CATEGORY DATA

The legislation makes a distinction between 'personal data' and 'special category data':

Personal data is defined as data relating to a living individual who can be identified from that data, or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller. This will include any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Special category data is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinion
- Religious or other beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life or sexual orientation
- Criminal proceedings or convictions
- Philosophical
- Genetic data
- Biometric data.

## ROLES AND RESPONSIBILITIES

Colchester City Council will ensure that:

- A member of staff, the Data Protection Officer (DPO), is appointed who has specific responsibility for data protection within the Council
- Any disclosure of personal data is in compliance with the legislation and with approved procedures
- Anyone managing and handling personal information understands that they are legally bound to follow good data protection practice
- Anyone managing and handling personal information is appropriately trained and supervised
- Staff have access only to personal information relevant to their roles

- Appropriate advice and guidance is available to anyone wanting to make enquiries about personal information held by the Council
- Enquiries and requests regarding personal information are handled courteously and within the time limits set out in law
- All staff and councillors are fully aware of this policy and of their duties and responsibilities under Data Protection Legislation
- Where personal data may need to be shared with third parties in order to deliver services or perform our duties, the Council will only share personal data when a lawful basis from the legislation can justify that sharing, where it is necessary to achieve a clear purpose and, with that purpose in mind, it is fair and proportionate to do so
- Data Protection Impact Assessments (DPIA) are conducted, and signed off by the Data Protection Officer
- A record of personal data processing is kept and maintained.

Everyone will ensure that:

- All data processing operations under their control or sphere of responsibility or commissioned by them are undertaken in compliance with this policy, related policies and Data Protection Legislation
- Paper files and other records or documents containing personal and or special category data are kept securely and destroyed securely
- Personal data held electronically is protected by the use of secure passwords, is kept securely and destroyed securely
- All users must choose passwords which meet the security criteria specified by the Council
- Staff working remotely from home or elsewhere must keep any Council owned equipment they use secure and prevent systems and data for which the Council is responsible being used or seen by members of their family or any other unauthorised person
- No personal data is disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third party
- Personal data is not stored on personal devices or forwarded to personal email accounts
- Personal data is not to be left where it can be accessed by persons not authorised to see it
- Personal data is kept up to date and accurate
- Personal data is kept in accordance with the Council's retention schedule
- Any data protection breaches are swiftly brought to the attention of the Data Protection Officer and that they support the Data Protection Officer in investigating and resolving breaches
- Where there is uncertainty around a data protection matter advice is sought from the Data Protection Officer.
- Appropriate disciplinary action will be taken against staff held responsible for repeated personal data breaches.

The Council reserves the right to contract out data processing activities or operations involving the processing of personal data in the interests of business efficiency and effectiveness. No third-party data processors will be appointed who are unable to provide satisfactory assurances that they will handle personal data in accordance with the Data Protection Legislation. All processors, contractors, consultants, partners must:

- Confirm in writing that they will abide by the requirements of Data Protection legislation with regard to information obtained from the Council
- Provide assurance relating to their compliant handling of personal data and when requested allow the Council to audit the protection of data held on its behalf
- Ensure that they and all persons appointed by them who have access to personal data held or processed for or on behalf of the Council are aware of this Policy and are fully trained in their duties and responsibilities under Data Protection legislation
- Ensure that the Council receives prior notification of any disclosure of personal data to any other organisation or any person who is not a direct employee of the contractor
- Indemnify the Council without limitation against any prosecutions, claims, proceedings, actions or payments of compensation or damages arising from the loss or misuse of data. Any breach of any provision of Data Protection Act 2018 (DPA 2018) or the UK General Data Protection Regulations (GDPR) will be deemed as being a breach of any contract between the Council and that individual, company, partner or firm.

The Council's Data Protection Officer is responsible for:

- Ensuring that staff are aware of this policy
- Advising the Council and its staff of its obligations under Data Protection legislation
- Ensuring the provision of Data Protection training, for staff within the Council
- The development of best practice guidelines
- Ensuring compliance checks are undertaken to ensure adherence, throughout the authority, with Data Protection Legislation
- Providing advice where requested on Data Protection Impact Assessments
- To co-operate with and act as the contact point for the Information Commissioner's Office (ICO)
- Conducting an annual review of this Data Protection Policy and the practices and procedures pertaining to it to ensure continuing compliance with all relevant statutory provisions.

The Council's Senior Information Risk Owner, is responsible for:

- Ensuring appropriate mechanisms are in place to support service delivery and continuity
- Being the organisation's leader and Champion for Information Risk Management and Assurance
- Advocating good information management and security practices
- Acting in an arbitrary role – to challenge risk mitigation
- Ensuring others are undertaking risk assessments and assurance activities

- Reporting annually to the Accountable Officer
- Is the senior manager with accountability for data protection and information risk and provides a link to the Council's Senior Management Team (SMT).

## COUNCILLORS

This policy applies to Councillors, and all Councillors are made aware of the advice produced by the Information Commissioners Office (ICO).

## THE INFORMATION COMMISSIONER

Colchester City Council is registered with The Information Commissioner as a data controller. The DPA 2018 requires every data controller who is processing personal data to notify and renew their notification on an annual basis.

## POLICY REVIEW

The policy will be reviewed on an annual basis and updated as necessary at these reviews.

## FURTHER INFORMATION

For further information about Colchester City Council's compliance with Data Protection Legislation, please visit [www.colchester.gov.uk/privacy](http://www.colchester.gov.uk/privacy) or email [dpo@colchester.gov.uk](mailto:dpo@colchester.gov.uk).

## VERSION CONTROL

Purpose:	To specify how the Council complies with Data Protection Legislation
Status:	Draft
Final date:	
To be reviewed:	August 2023



Colchester  
City Council

# Acceptable Use Policy

August 2022

[www.colchester.gov.uk](http://www.colchester.gov.uk)

# Acceptable Use Policy

## CONTEXT

We must act appropriately with the information we obtain and hold, and with the systems we use and access. How you use our systems, telephony, email and intranet is important for our reputation and the trust of our customers. This Acceptable Usage Policy covers the security and use of all IT equipment. This policy applies to all employees, Councillors, voluntary workers, agency staff and contractors.

## APPLICATION OF POLICY

Everyone who uses information and communications technology provided by Colchester City Council (CCC) must be aware of these policy statements and the obligations it places upon them.

Colchester City Council commits to informing all employees, members, voluntary workers, agency staff, contractors, Councillors and other third parties of their obligations before they are authorised to access systems and information. Other organisations, and their users, granted access to technology managed by the organisation must abide by this policy.

## ACCESS TO IT SYSTEMS

- You must not allow anyone else to use your user username and password on any IT system.
- You must not disclose your password to anyone or ask anyone else for their password. If you suspect your password has become known to anyone else, change it immediately and report it to the ICT team.
- You must not leave user accounts logged in at an unattended and unlocked computer.
- You must not attempt to access data that you are not authorised to use or access.
- You must not install, access or modify applications, systems or data without authorisation.
- You must maintain the security of information as defined in the Information Security Policy.
- You must not access other people's email without their permission.
- You must not forward corporate emails to personal email accounts.
- If you receive or view email or other content not intended for you, you must protect its confidentiality.
- You must take care when replying or forwarding to ensure that only relevant parties are included.

## PASSWORDS

- You must not use someone else's username and password to access any IT systems.
- You must not leave your password unprotected (for example writing it down or sharing it with another person).



- Passwords must meet the requirements of the Council's Password Policy.
- All CCC devices must be password protected.

## BEHAVIOUR

- You must not participate in unlawful, libellous, immoral or offensive activities, including accessing, downloading, storing, creating, copying or disseminating offensive material. This includes, but is not limited to, material of a pornographic, sexual, violent, criminal, racist, sexist or otherwise discriminatory nature. Further, you must not use the systems to perpetrate any form of fraud or piracy.
- You must not publish a website, or any content on a website, that could bring the organisation into disrepute. This includes publishing defamatory or knowingly false material about the organisation, colleagues or customers in any online publishing format.
- Only subscribe to services with your professional email address when representing the Council.
- CCC facilities and identity must not be used for commercial purposes outside the authority or remit of the Council, or for personal financial gain.
- You must not use the internet or email to make personal gains or conduct a personal business.
- You must not use the internet or email to gamble.
- You must not bring the Council into disrepute through use of online 'social networking' activities.
- You must report faults with information and communications technology and co-operate with fault diagnosis and resolution.
- If you use our technology or our internet provision for personal use, the Council takes no responsibility for the security of your personal information. It is recommended you do not carry out personal financial transactions.

## DEVICES

- You must not connect any non-authorised device to the network or IT systems.
- You must not store data on any non-authorised equipment.
- In order to comply with Data Protection Legislation, all Council communications must only be made using Council approved applications and devices.

## STORAGE

- You must not give or transfer data or software to any person or organisation, without following the Security Policy.
- Documents must not be stored locally (for example on c drive) on a desktop computer or laptop, as they are not backed up and information may be irretrievable if the device fails or is stolen. This includes synchronising SharePoint and OneDrive to a local device without ICT authorisation or on a secured CCC supplied device.
- The use of mobile devices such as memory sticks, CDs, DVDs and removable hard drives must be authorised by the Strategic ICT Manager. Devices will only be authorised if they can be secured through a password or similar encryption. Personal data must not be stored on mobile devices, unless approved by the Strategic ICT manager.

## SECURITY AND LICENSING

- You must not attempt to disable or bypass anti-virus, malware or other security protection, and you should take care not to introduce viruses or malware. If you discover a virus or malware, you must notify ICT immediately.
- You must not use the email systems in a way that could affect its reliability or effectiveness, for example distributing chain letters or spam.
- You must only use software that is appropriately licensed and materials which are not copyrighted, or for which you have been granted use.

## WORKING REMOTELY

- Working away from the office must be in line with Colchester City Council's remote working policy.
- Equipment and media taken off-site must not be left unattended in public places and not left in clear view in a vehicle.
- Laptops must be carried as hand luggage when travelling.
- Information should be protected against loss or compromise when working remotely.

## USE OF SHAREPOINT

- You must not purposely engage in activity that may deprive an authorised user access to a SharePoint resource.
- You must not attempt to access content for which you do not have permission.
- You must not circumvent SharePoint security measures.
- All staff must maintain the supported infrastructure setup by filing the documents via Adding Properties or via the Details menu and not creating folders within folders.
- Site owners are responsible for managing the use of SharePoint in their area and are accountable for their actions.
- Site owners are responsible for the custody or operation of their SharePoint sites and are responsible for proper authorisation of user access.
- Data used in SharePoint must be kept confidential and secure by the user.
- You must ensure that permissions to document libraries are appropriately set and maintained to ensure the security of information.
- Site owners should review the permissions set on their sites at least annually to ensure unauthorised staff do not have access.
- You must ensure that private or personal documents are secured to ensure the security of information.
- Data can be shared with external people/organisations using for example the 'External sharing' SharePoint site. All documents shared must be removed once the need to share has expired. Any special category data shared in this way must be done with the appropriate set up of SharePoint permissions to ensure the security of that data.

## USE OF ONEDRIVE

- OneDrive must not be used as a replacement for corporate shared document management, SharePoint.

- OneDrive documents, for example training notes, certificates, 121 meeting notes must not be kept for longer than necessary.

## USE OF TEAMS

- Personal data should not be shared via teams messaging. Where possible, work documents should be stored on SharePoint, not Files tab on Teams. Where it is not possible, make sure the permissions for the Files are set appropriately.
- All users should ensure that permissions for documents are set appropriately
- All users should ensure that only permitted participants are added to teams channels
- Care should be taken when screen sharing and/or recording a meeting to make sure that personal data is not disclosed inappropriately. Permission should be sought from all attendees before recording starts.
- Ensure that when making video calls the environment you are calling from and any backgrounds you are using are appropriate for business use.

## MOBILE PHONES

- Requests for a mobile phone will be subject to a valid business case being made and management authorisation.
- In order to prevent unauthorised access, devices must be password protected using the features of the device and a strong password is required to access the network.
- The primary reason for being given a work mobile phone is for business purposes. Using the phone for personal calls should not interfere with daily business and wherever possible be made outside of working hours.
- Employees are expected to use the internet responsibly and productively. Excessive personal internet browsing, including social media use, is not permitted.
- Mobile phones should be connected to wi-fi networks where available to prevent excessive use of data and use of the mobile phone to create a hotspot to work from should be used in exceptional circumstances only. Mobile data usage will be monitored and consistent excessive use may lead to suspension of service.
- Calls to premium rate numbers and overseas are not permitted, unless there is a real business need and authorisation has been provided by the relevant Assistant Director.
- You must not use Colchester City Council mobile devices for conducting private business.
- Mobile devices may not be used at any time to, store or transmit illicit materials or harass others.
- When driving, staff are expected to comply with the Council's Vehicle User Handbook and the Road Vehicles (Construction and Use) (Amendment) (No4) Regulations 2003, which prohibit the use of handheld mobile devices at all times when driving.
- If your device use is deemed unacceptable, we may cancel your plan and ask for the return of the device.

## WHEN AN EMPLOYEE LEAVES

- Line managers must notify the ICT of any leavers or changes to staff roles so that access can be terminated or amended as appropriate.
- All IT equipment and data, for example laptops and mobile devices including telephones, smartphones, USB memory devices and CDs/DVDs, must be returned to the ICT team.

## MONITORING

The Council maintains the right to examine any system or device used in the course of its business, and to inspect any data held there.

To ensure compliance with this policy, the volume of internet and network traffic, and the use and content of emails and visited internet sites, may be monitored. Specific content will not be monitored unless there is suspicion of improper use.

It is the employee's responsibility to report suspected breaches of this policy without delay to their line management and to the ICT team.

All breaches of this policy will be investigated. Where investigations reveal misconduct, disciplinary action may follow in line with the Council's disciplinary procedures.

## POLICY REVIEW

The policy will be reviewed on an annual basis and updated as necessary at these reviews.

## FURTHER INFORMATION

For further information contact [ict@colchester.gov.uk](mailto:ict@colchester.gov.uk)

## VERSION CONTROL

Purpose:	To specify how the Council maintains security
Status:	Draft

Final date:	
To be reviewed:	August 2023



Colchester  
City Council

# Information Security Policy

August 2022

[www.colchester.gov.uk](http://www.colchester.gov.uk)

# Information Security Policy

## CONTEXT

Information is essential to delivering services to citizens and businesses. Information security refers to the defence of information or information systems from unauthorised or unintended access, destruction, disruption or tampering. It is important that the Council acts appropriately with the information we obtain, store and process. Confidentiality, integrity and availability of information must be proportional and appropriate to maintain services, comply with relevant legislation and provide trust to our customers and partners.

## APPLICATION OF POLICY

Everyone who accesses information the Council holds must be aware of these policy statements and their responsibilities in relation to information security.

Colchester City Council commits to informing all employees, voluntary workers, agency staff, contractors, Councillors and other third parties of their obligations before they are authorised to access systems and information and subsequently at regular intervals. Other organisations, and their users, granted access to information held by Colchester City Council must abide by this policy.

This policy should be read in conjunction with the Acceptable Use policy and Data Protection policy.

All those who access information may be held personally responsible for any breach or misuse.

## INFORMATION SECURITY PRINCIPLES

Information security is the preservation of:

- Confidentiality – ensuring that information is accessible only to those authorised to have access
- Integrity – safeguarding the accuracy and completeness of information and processing methods
- Availability – ensuring that authorised users have access to information and associated assets when required.

## ROLES AND RESPONSIBILITIES

### The Organisation

- Ensures compliance with laws governing the processing and use of information.

### The Chief Executive

- Acts as Accountable Officer ensuring that all information is appropriately protected.

### Senior Information Risk Owner

- Assures information security within the organisation
- Promotes information security at senior management level

### Technology Delivery Manager

- Provides a central point of contact for information security
- Manages the investigation and mitigation of information security breaches
- Supports Information Asset Owners to assess risks and implement controls
- Ensures that staff are not able to gain unauthorised access to Council IT systems
- Ensures the security of the central computer suite, ensuring that access is restricted to staff with specific job functions
- Ensures that all system developments comply with the Council's ICT Strategy. All system developments must include security issues in their consideration of new developments (including those provided by third party suppliers)
- Ensures that a third-party specialist routinely reviews network security
- Ensures that no external agencies are given access to any of the Council's networks unless that body has been formally authorised to have access. All external agencies will be required to sign security and confidentiality agreements with the Council.

### System Owners

- Ensure they delete or disable all identification codes and passwords relating to members of staff who leave the employment of the Council on their last working day
- Ensure that all system developments must comply with the Council's ICT Strategy. All system developments must include security issues in their consideration of new developments (including those provided by third party suppliers)
- Ensure that written backup instructions for each system under their management are produced. Backup copies should be held securely. Procedures should be in place to recover to a useable point after restart of any back-up
- Ensure that all systems are adequately documented and are kept up to date so that it matches the state of the system at all times.
- Ensure that a Privacy Impact Assessment (PIA) is completed for the use of any new systems or changes to existing systems
- Ensure systems are protected from external attack

### Information Asset Owners

- Assess the risks to the information they are responsible for
- Define the protection measures of the information they are responsible for, taking consideration of the sensitivity and value of the information



- Communicate the protection controls to authorised users and ensure controls are followed
- Ensure that a Privacy Impact Assessment (PIA) is completed when data processing changes or before new personal data is collected or processed

**All Managers must:**

- Ensure their employees are fully conversant with this policy and all associated standards, procedures, guidelines and relevant legislation; and are aware of the consequences of non-compliance
- Develop procedures, processes and practices which comply with this policy for use in their service areas
- Determine which individuals are given authority to access specific systems. The level of access to specific systems should be on a job function need, irrespective of status
- Ensure that the relevant system administrators are advised immediately about staff changes affecting access (for example job function changes, leaving service or organisation) so that access may be withdrawn or changed as appropriate
- Ensure that staff are not able to gain unauthorised access to Council ICT systems or manual data
- Ensure all contractors and other third parties to which this policy may apply are aware of their requirement to comply
- Ensure that those users who have access to any part of the Council's Cash Receipting systems whereby they are taking payments either in person or over the phone should only enter card numbers into the relevant Capita payment screens and **under no circumstances** should Card Holder data such as card numbers be written down or copied by anybody as this would breach The Payment Card Industry Data Security Standard (PCI DSS) compliance
- Ensure that if the Council vacates any of its premises, the manager of the service area occupying the premises must undertake appropriate checks of all areas, including locked rooms, basements and other storage areas, to ensure all Council information is removed. Such checks should be documented, dated and signed.

**Everyone must:**

- Conduct their business in accordance with this policy
- Only access systems and information for which they are authorised
- Only use systems and information for the purposes authorised
- Comply with all applicable legislation and regulations
- Comply with controls communicated by the Information Asset Owner
- Not disclose confidential or sensitive information to anyone without the permission of the Information Asset Owner
- Ensure confidential, personal or special category information is protected from view by unauthorised individuals

- Not copy, transmit or store information to devices or locations (physical or digital) where unauthorised individuals may gain access to it; the security of devices and locations you use are your responsibility
- Protect information from unauthorised access, disclosure, modification, destruction or interference
- Keep passwords secret and do not allow anyone else to use your access to systems and accounts
- Notify the Technology Delivery Manager of any actual or suspected breach of information security policy and assist with resolution
- Co-operate with compliance, monitoring, investigatory or audit activities in relation to information
- Take responsibility for familiarising themselves with this policy and understanding the obligations it places on them
- Reporting any breach, or suspected breach of information security without delay
- When disclosing personal or special category information to customers, particularly over the phone or in person, ensure that they verify their identity. Service areas dealing with customers on a daily basis should have suitable security questions which must always be used
- Always secure laptops and handheld equipment when leaving an office unattended and lock equipment away when leaving the office. Users of portable computing equipment are responsible for the security of the hardware and the information it holds at all times on or off Council property
- Physical security to all office areas is provided through the access control system. Staff should challenge strangers in the office areas without an ID badge. Never let someone you don't know or recognise to tailgate you through security doors
- Staff working from home must ensure appropriate security is in place to protect Council equipment or information. This will include physical security measures to prevent unauthorised entry to the home and ensuring Council equipment and information is kept out of sight. Council issued equipment must not be used by non-Council staff.
- Use of personal devices to access Council systems is not permitted
- Access to systems from abroad is not permitted unless approved by the Data Protection Officer.

ICT is responsible for maintaining the security and integrity of the Council's infrastructure and network by:

- Ensuring all parts of the network, at entry points and internally including wi-fi connections, are secured appropriately, following industry standards
- Ensuring that all user accounts are secured by the use of Multi Factor Authentication (MFA)
- Ensuring that all infrastructure components are secured to industry standards through managed permissions, firewalls and regular security, application and operating system patching
- Ensuring all infrastructure component, server and network devices, have up to date anti-virus application and tools installed
- Maintaining, patching, upgrading and updating via managed ITIL Change Control procedures
- Regularly conducting internal and external penetration tests and ensuring that outcomes are acted on appropriately and within required timeframes
- Ensuring that Global Administration and Administrator accounts are closely monitored and reviewed
- Enforcing security policies and taking appropriate action when any breach is detected or reported.

## MONITORING

The organisation maintains the right to examine any system or device used in the course of our business, and to inspect any data held there.

To ensure compliance with this policy, the volume of internet and network traffic, and the use and content of emails and visited internet sites, may be monitored. Specific content will not be monitored unless there is suspicion of improper use.

It is the employee's responsibility to report suspected breaches of security policy without delay to their line manager and to the ICT team.

All breaches of this policy will be investigated. Where investigations reveal misconduct, disciplinary action may follow in line with the Council's disciplinary procedures.

## POLICY REVIEW

The policy will be reviewed on an annual basis and updated as necessary at these reviews.

## FURTHER INFORMATION

For further information contact [ict@colchester.gov.uk](mailto:ict@colchester.gov.uk)

## VERSION CONTROL

Purpose:	To specify how the Council maintains information security
Status:	Draft
Final date:	
Review date:	August 2023



Colchester  
City Council

# Retention Policy

August 2022

[www.colchester.gov.uk](http://www.colchester.gov.uk)

# Retention Policy

## CONTEXT

Colchester City Council has to collect and use information about the people with whom it works; members of the public; current, past and prospective employees; customers; suppliers and others in order to carry out its duties. Colchester City Council will ensure that it treats all personal information entrusted to it lawfully and correctly.

The Council fully endorses and adheres to the principles set out in the Data Protection Legislation (Data Protection Act 2018 and UK General Data Protection Regulations). This Retention Policy and the procedures set down in it are reviewed annually to ensure that the Council continues to comply with the requirements of Article 5 (e) of the UK General Data Protection Regulations (GDPR), *'kept in the form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed'*.

The purpose of this Policy is to ensure that Colchester City Council ensures that:

- crucial records can be located and retrieved as required
- records are kept in accordance with legislation
- records are kept in accordance with business requirements
- the best use is made of available storage facilities
- the medium used for each record is the most appropriate.

This policy should be read in conjunction with the Council's Data Protection Policy.

## APPLICATION OF POLICY

The Council will ensure that all personal data is retained and disposed of correctly. For the purposes of this policy, personal data can be held in any medium including, but not exclusively, paper documents or files, electronic images and documents, emails, data records within an electronic dataset, other images, video and audio recordings.

In addition to meeting the requirements of Data Protection Legislation, The Freedom of Information (FoI) Act and the Environmental Information Regulations (EIR) require the Council to maintain records management practices that enable it to respond to requests for information as soon as possible and at the latest within 20 working days.

The Retention Schedule is a control document setting out the periods for which records should be retained to meet the operational needs of the Council and to comply with legal and other requirements. This is a 'live' document which is continually updated.

## RELEVANT PRINCIPLES OF DATA PROTECTION

Whenever retaining or disposing of personal information the Council will ensure that:

- Personal data is retained only for as long as necessary
- Data is disposed of properly
- All personal data is processed in accordance with the rights of the individual concerned
- Appropriate security is maintained
- The movement of personal data is done in a lawful way, both inside and outside the Council, and that suitable safeguards exist.

## DEFINING RETENTION PERIODS

There are a number of considerations that must be made when deciding upon an appropriate retention period.

- Statutory - some retention periods are governed by statute, for example the 'Health and Safety at Work Act 1974' and 'HMRC VAT Notice 700/21: keeping VAT records'. It is therefore essential that any relevant statutory provisions are taken into account when deciding upon a retention period.
- Civil Action - personal data must be retained if it may be needed to defend possible future legal claims. However, linked information that could not possibly be relevant to any claim must not be retained. Personal data must be deleted when a claim could no longer arise. The Limitation Act 1980 imposes various time limits for the taking of legal action.
- DPA, FoI and EIR - if a request for information is made where the records holding that information are due to be destroyed, the destruction of these records must be suspended.
- Data Protection Act - does not specify retention periods. However, the Act does state that where other statutory record retention provisions exist these take precedence. Data controllers are responsible for implementing the DPA and must decide for how long personal data is retained, taking into account the Data Protection principles, business needs, other legal requirements, any professional guidelines, and best or common practice.
- Historical and research - there may be good grounds for keeping personal data for historical, statistical or research purposes.

There is no requirement to keep records of material routinely discarded in the course of any administrative activity such as duplicates, leaflets or other publicity material, rough drafts or ephemera such as sticky notes.

It is an offence to destroy, delete or amend records or data in order to prevent or attempt to prevent the release of information requested under the FoI Act or the EIR. Where the records holding the information requested have been destroyed in accordance with the retention schedule the Council has a duty to explain why the information is no longer held.

## ROLES AND RESPONSIBILITIES

Colchester City Council will ensure that:

- Anyone managing and handling personal information understands that they are legally bound to follow good data protection practice
- Anyone managing and handling personal information is appropriately trained and supervised
- Members of staff have access only to personal information relevant to their roles
- A record of personal data processing is kept and maintained

Everyone will ensure that:

- Paper files, digital files and other records or documents containing personal and or special category data are kept securely
- Paper files, digital files and other records or documents containing personal and or special category data are destroyed securely
  - Information which could be released under a Freedom of Information (Fol) request – e.g. information that's already publicly available or which wouldn't attract an exemption, cause harm, distress or embarrassment can be disposed of in normal waste bins.
  - Personal data, special category data, confidential information and commercially sensitive data requires secure disposal e.g via confidential waste bins, shredding, destruction of CD etc. ICT can arrange secure disposal of devices such as laptops, phones and removable media.
  - Anyone who is unsure of whether secure disposal is required should contact [data.protection@colchester.gov.uk](mailto:data.protection@colchester.gov.uk) for advice.
- All personal data is kept in accordance with the Council's retention schedule
- Where there is uncertainty around a retention matter ensure that advice is sought from the Data Protection Officer
- The Retention Schedule reflects current legislative requirements for document and records in their care
- The retention of documents and records is fully defined
- Records are accessible and are made available when necessary so that information requests can be responded to promptly
- Records and documents are destroyed or deleted at the end of the retention period in a secure way
- Records are held in accordance with the Data Protection and Freedom of Information Acts and any other relevant provisions.

All contractors, consultants, partners or other servants or agents of the Council must:

- Provide assurance relating to their compliant destruction of personal data and when requested allow the Council to audit the protection of data held on its behalf.

The Council's Data Protection Officer, is responsible for:

- Advising the Council and its staff on matters relating to the retention and destruction of personal data.

## POLICY REVIEW

The policy will be reviewed on an annual basis and updated as necessary at these reviews.

## FURTHER INFORMATION

For further information about Colchester City Council's compliance with Data Protection Legislation, please visit [www.colchester.gov.uk/privacy](http://www.colchester.gov.uk/privacy) or email [dpo@colchester.gov.uk](mailto:dpo@colchester.gov.uk).

## VERSION CONTROL

Purpose:	To specify how the Council complies with Data Protection Legislation with regard to Data Retention
Status:	Draft
Final date:	
To be reviewed:	August 2023





# Processing of Special Category & Criminal Convictions Personal Data Policy

August 2022

# Processing of Special Category & Criminal Convictions Personal Data Policy

## CONTEXT

The aim of this policy document is to set out how, within the provisions of applicable data protection law (specifically the Data Protection Act 2018 and the General Data Protection Regulations), Colchester Borough Council will seek to protect special category and criminal convictions personal data.

This policy should be read in conjunction with Colchester Borough Council's Data Protection Policy.

This document is to meet the requirements of paragraph 1 of Schedule 1 of the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category or criminal convictions personal data is necessary to carry out functions which are imposed or conferred by law on us or the subject of the data in connection with employment, social security or social protection matters.

It also meets the requirement of paragraph 5 Schedule 1 of the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for reasons of substantial public interest.

## DEFINITION SPECIAL CATEGORY DATA

The legislation makes a distinction between 'personal data' and 'special category data'. Special category data is defined in Article 9 of the General Data Protection Regulation as personal data revealing:

- Racial or ethnic origin
- Political opinion
- Religious or other beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life or sexual orientation
- Criminal proceedings or convictions
- Philosophical
- Genetic data
- Biometric data.

## DEFINITION OF CRIMINAL CONVICTIONS DATA

Article 10 of the General Data Protection Regulation defines criminal convictions data as personal data relating to an individual's criminal convictions and offences or related security measures.

Section 11 of the Data Protection Act 2018 states that criminal convictions data includes personal data relating to:

- The alleged commission of offences by the data subject.
- Proceedings for an offence committed or alleged to have been committed by the data subject or the disposal of such proceedings, including sentencing.

Examples of criminal convictions data also includes information linked to security measures and restrictions, such as bail conditions, cautions, and restraining orders, and less obvious types of information, such as personal data relating to witnesses, victims of crime, and details of allegations (proven and unproven). It may also include information about civil measures which may lead to a criminal conviction if not adhered to.

## CONDITIONS FOR PROCESSING SPECIAL CATEGORY AND CRIMINAL CONVICTIONS DATA

Examples of areas of Colchester Borough Council that exercise law enforcement functions are: wardens, fraud investigations, environmental services, food safety, health and safety, licensing, planning and private sector housing.

Article 9 lists the conditions for processing special category data:

- The data subject has given explicit consent.
- The processing is necessary in the context of employment law, or laws relating to social security and social protection.
- The processing is necessary to protect vital interests of the data subject or of another natural person.
- The processing is carried out, in the course of the legitimate activities of a charity or not-for-profit body, with respect to its own members, former members, or persons with whom it has regular contact in connection with its purposes.
- The processing relates to personal data which have been manifestly made public by the data subject.
- The processing is necessary for the establishment, exercise or defence of legal claims, or for courts acting in their judicial capacity.
- The processing is necessary for reasons of substantial public interest.
- The processing is required for the purpose of medical treatment undertaken by health professionals, including assessing the working capacity of employees and the management of health or social care systems and services.
- The processing is necessary for reasons of public interest in the area of public health.
- The processing is necessary for archiving purposes in the public interest, for historical, scientific, research or statistical purposes, subject to appropriate safeguards.

In addition Schedule 1 of the Data Protection Act 2018 establishes conditions that permit the processing of the special categories of personal data and criminal convictions data. The Schedule is split into four parts:

- Part 1 – Conditions relating to employment, health and research.
- Part 2 – Substantial public interest conditions.
- Part 3 – Additional conditions relating to criminal convictions.
- Part 4 – Appropriate policy document and additional safeguards.

## DATA PROTECTION PRINCIPLES

Article 5 of the General Data Protection Regulation describes the data protection principles. Below sets out details of how Colchester Borough Council will comply with these in relation to the processing of Special Category and Criminal Offence personal data:

- Special category and conviction data is only processed where a lawful basis applies, and where processing is otherwise lawful.
- Special category and conviction data is processed fairly.

- Data subjects receive full privacy information so that any processing of special category and conviction data is transparent.
- We will only collect special category and conviction data for specified, explicit and legitimate purposes.
- We will not use special category and conviction data for purposes that are incompatible with the purposes for which it was collected. If we do use special category and conviction data for a new purpose that is compatible, we will inform the data subject first.
- We will only collect the minimum special category and conviction data that we need for the purpose for which it is collected.
- The data we collect is adequate and relevant.
- Special category and conviction data will be accurate and kept up to date where necessary.
- We only keep special category and conviction data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so.
- We will ensure there are appropriate organisational and technical measures in place to protect special category and conviction data.

## ACCOUNTABILITY PRINCIPLE

Colchester Borough Council is responsible for demonstrating compliance with these principles. Our Data Protection Officer holds responsibility for doing this. They will:

- Ensure that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request.
- Carry out Data Protection Impact Assessment (DPIAs) for any high-risk personal data processing, and consult the Information Commissioner if appropriate.
- Provide independent advice and monitoring of departments' personal data handling.
- Have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.
- Keep a record of personal data breaches.

## RETENTION AND ERASURE

Colchester Borough Council will ensure, where special category personal data or conviction data are processed, that:

- There is a record of that processing and that record will set out, where possible, the envisaged time limits for erasure.
- Data subjects receive full privacy information about how their data will be handled.
- Where we no longer require special category or convictions data for the purpose for which it was collected, we will delete it or render it permanently anonymous.
- We retain personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Details of the retention periods for personal data can be found in our Retention Policy.

## THE INFORMATION COMMISSIONER (ICO)

Colchester Borough Council is registered with The Information Commissioner (ICO) as a data controller.

## POLICY REVIEW

This policy document will be retained in accordance with Part 4 of Schedule 1 of the Data Protection Act. It will be made available to the Information Commissioners Office (ICO) on request. The policy will be reviewed on an annual basis and updated as necessary at these reviews.

## FURTHER INFORMATION

For further information about Colchester Borough Council's compliance with Data Protection Legislation, please visit [www.colchester.gov.uk/privacy](http://www.colchester.gov.uk/privacy) or email [dpo@colchester.gov.uk](mailto:dpo@colchester.gov.uk).

## VERSION CONTROL

Purpose:	To specify how the Council complies with Data Protection Legislation with regard to the processing of special category and criminal conviction personal data
Status:	Draft
Final date:	
To be reviewed:	August 2023



Colchester  
City Council

# ICT Password Policy

August 2022

[www.colchester.gov.uk](http://www.colchester.gov.uk)

# ICT Password Policy

This policy should be read in conjunction with the Council's Data Protection and Information Security Policies.

## CONTEXT

Colchester City Council is committed to compliance with all relevant Data Protection Legislation and will formally delegate appropriate powers and responsibilities to its personnel to ensure that it is fully able to comply with Data Protection Legislation and its own defined standards in the field of data protection and information governance.

This policy applies to ICT managed Office 365 environment and its associated single sign on applications only. Other service and supplier managed applications are not covered by this policy.

## RELEVANT PRINCIPLES OF DATA PROTECTION

Whenever collecting or handling personal information the Council will ensure that:

- Personal data is processed in an appropriate manner to maintain security
- The movement of personal data is done in a lawful way, both inside and outside the Council, and that suitable safeguards exist, at all times.

## PASSWORD COMPLEXITY REQUIREMENTS

Passwords must meet complexity requirements settings. This policy setting determines whether passwords must meet a series of guidelines that are considered important for a strong password. Complexity requirements are enforced when passwords are changed or created. Enabling this policy setting requires passwords to meet the following requirements:

- Passwords may not contain the user's Account Name value or entire Full Name. Both checks are not case sensitive.

Current guidance for the National Cyber Security Centre (NCSC) is to use three random words to create a strong memorable password. Numbers and symbols can still be used if needed, for example 3redhousemonkeys27! Be creative and use words memorable to you, so that people cannot guess your



password. Your social media accounts can give away vital clues about yourself so don't use words such as your child's name or favourite sports team which are easy for people to guess.

With the introduction of Multi-Factor Authentication (MFA) and biometric fingerprint readers on laptops, the need to change a password every 45 days has been removed. This is based on NCSC guidance.

ICT reserve the right to force all users to change their password should the need arise.

Never use the following personal details for your password:

- Current partner's name
- Children's names
- Other family members' names
- Pet's names
- Place of birth
- Favourite holiday
- Something related to your favourite sporting team

**Passwords must not be shared with anyone else and passwords should be completely different across systems and accounts.**

## SYSTEM SETTINGS

The following system settings relate to passwords;

- The users' previous 12 passwords are remembered
- Minimum password length is 8 characters
- Password must meet complexity requirements is set to Enabled

## POLICY REVIEW

The policy will be reviewed on an annual basis and updated as necessary at these reviews.

## FURTHER INFORMATION

For further information about Colchester City Council's compliance with Data Protection Legislation, please visit [www.colchester.gov.uk/privacy](http://www.colchester.gov.uk/privacy) or email [dpo@colchester.gov.uk](mailto:dpo@colchester.gov.uk).

## VERSION CONTROL

Purpose:	To specify the Council requirements for passwords
Status:	Draft
Final date:	
To be reviewed:	August 2023



Colchester  
City Council

# Income and Debt Policy November 2022

[www.colchester.gov.uk](http://www.colchester.gov.uk)

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## **1. Introduction**

- 1.1 The Council is being increasingly commercial in every aspect and service. We must balance the importance of supporting our vulnerable customers whilst increasing our income and streamlining processes.
- 1.2 This policy covers the collection and procedures for:
- Council Tax
  - Business Rates (NNDR)
  - Housing Benefit Overpayment
  - Sundry Debts (including Commercial Rent)
  - Penalty Charge Notices
  - Mortgages and Shared Ownership Schemes
- 1.3 The policy also covers the procedures for billing/invoicing across all Council services and well as the payment options available.
- 1.4 The Income and Corporate Debt Teams manage services on behalf of other services and organisations. Specific Service Level Agreements will be in place for these services.

## **2 Policy Aims**

- To ensure that the Council bill/invoice, collect and recover all debts in an economic, effective and efficient manner in accordance to legislation and best practice.
- To ensure that all customers will be treated fairly and objectively.
- To provide consistent guidelines and procedures.
- To set out preferred payment options which are cost effective and support prompt payments whilst enabling payments to be made 24 hours a day, 7 days a week.
- Advise and assist customers to avoid debt issues before they arise.
- Make pro-active contact whenever possible, by text, emails or telephone to ensure early intervention and payment.

## **3. Billing and Invoicing Arrangements**

- 3.1 There is a legal duty placed on the Council to bill for Council Tax and Non-Domestic Rates (Business Rates) in accordance with legislation. The processes are automated and managed by the Technical, Control and the Income Teams.
- 3.2 Sundry (Commercial) debts are more varied and can be dealt with by the Income Team in liaison with the individual services.

- 3.3 The below table shows the billing and recovery process in terms of team responsibility for the different types of debt.

	<i>Council Tax</i>	<i>Business Rates</i>	<i>Housing Benefit Overpayments</i>	<i>Sundry Debts</i>
<i>Account administration</i>	Council Tax Team	Business Rates Team	Housing Benefit Team	Individual Service Area
<i>Systems Support</i>	Technical Team	Technical Team	Technical Team	Finance
<i>Billing</i>	Technical Team	Technical Team	Technical Team	Income Team
<i>Payment Processing</i>	Income Team	Income Team	Income Team	Income Team
<i>Debt Recovery</i>	Corporate Debt Team	Business Rates Team	Housing Benefit Team	Income Team

For all types of income the following guidelines must be followed:

- When goods or services are being provided payments should always be made up front of service delivery.
- For charges relating to hire of goods or premises a reasonable deposit should be taken on booking to cover any potential damage and the full cost of hire.
- Services should always consider the risk of non-payment and should actively monitor customer accounts and payment activities to highlight possible accumulation of debts.

## 4. Methods of payment

- 4.1 The Council will prioritise efficient payment methods which support self-serve. Payment options will be reviewed regularly to ensure we are benefiting from the latest payment technologies.

- 4.2.1 The Council's preferred methods of payments are:

- Direct debit
- BACS (bank transfer)
- Online payments
- Automated telephone line payments

- 4.3 Services should remove any payment options from promotional materials, bills or other correspondence other than the preferred payment methods. For recurring or regular charges, Direct Debit must be promoted as the only payment option. For one-off charges an upfront debit card internet payment should be promoted followed by other self-serve options.

- 4.4 The Council will no longer accept payments by Payment Card or Postal Order. Cheque payments will no longer be accepted unless in exceptional circumstances which prevents the customer from paying in an alternative way.

- 4.5 The Council will support customers to switch to the preferred payment methods including:

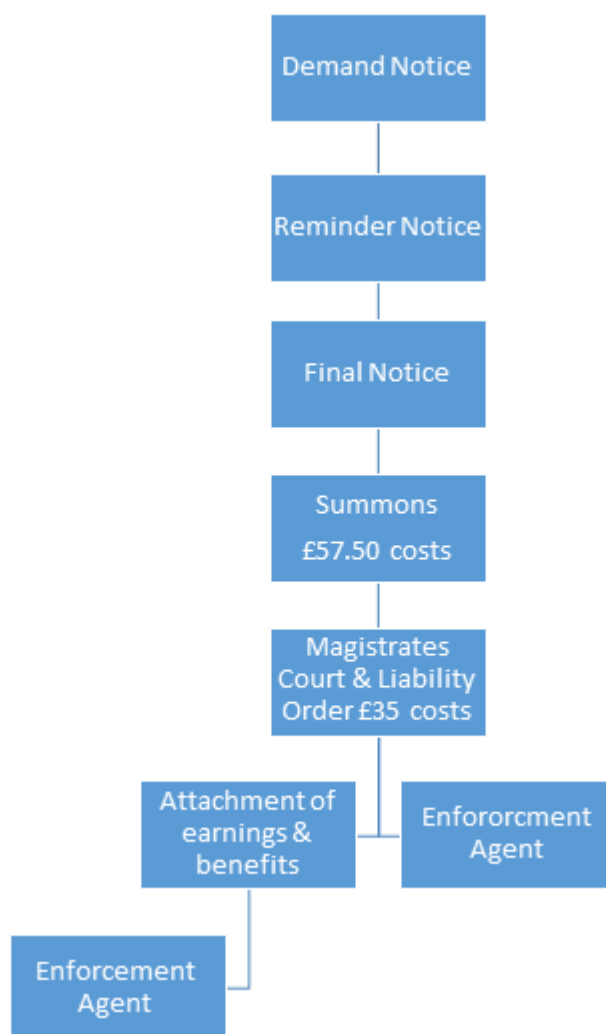
- Proactive customer contact by phone and letter
- Bulk text messages and emails

- Direct Debit promotional campaigns

## 5. Recovery of unpaid debts

- 5.1 For a variety of reasons, revenue due to the Council will not be paid as requested. The Corporate Debt Team and individual services must undertake recovery action as soon as possible to maximise the probability of debt recovery.
- 5.2 Reminders will use nudge and persuasive techniques that are most likely to attract prompt payment.

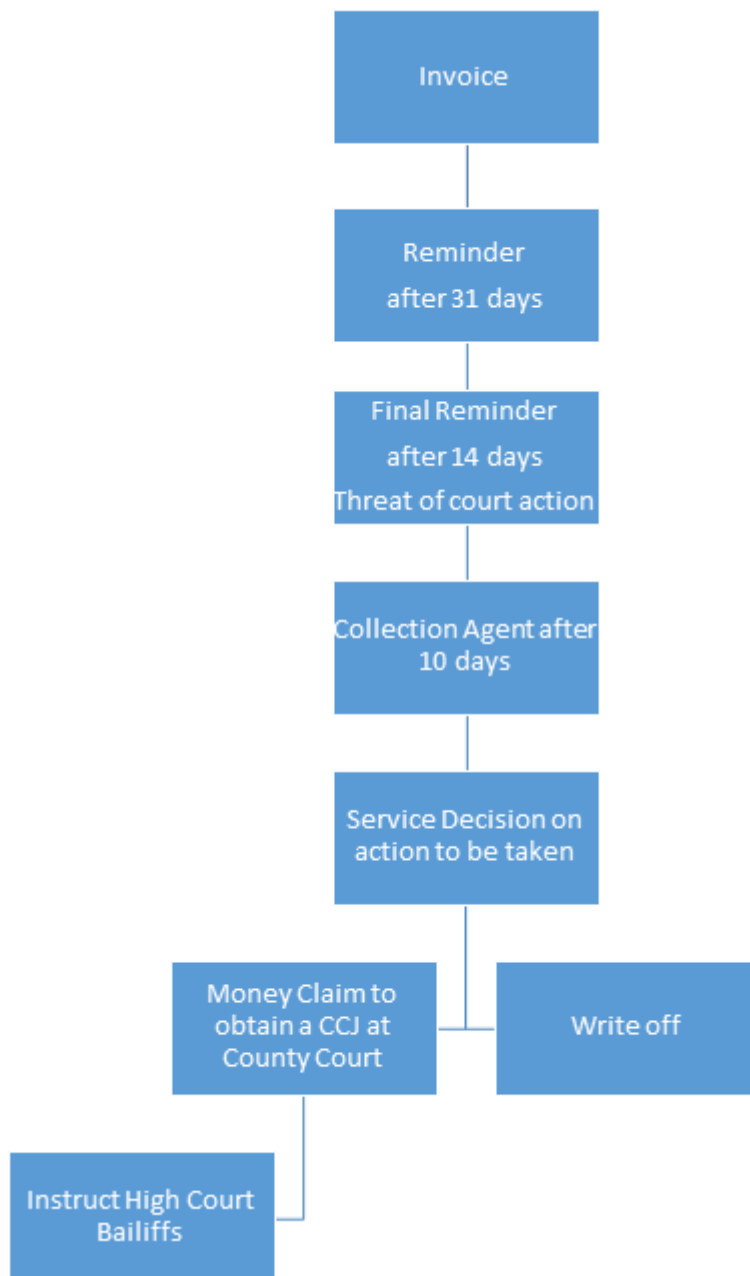
## 6. Council Tax and Business Rates Process



\*A review of summons and liability order fees is being undertaken with proposed new fees to be implemented from April 2023.

## 7. Sundry Debt Processes

- 7.1 The relevant service manager is responsible for deciding whether enforcement action should be taken for sundry debts in their area. The income team will inform services of any debts owing to them and they should respond to say whether each case should then be enforced.

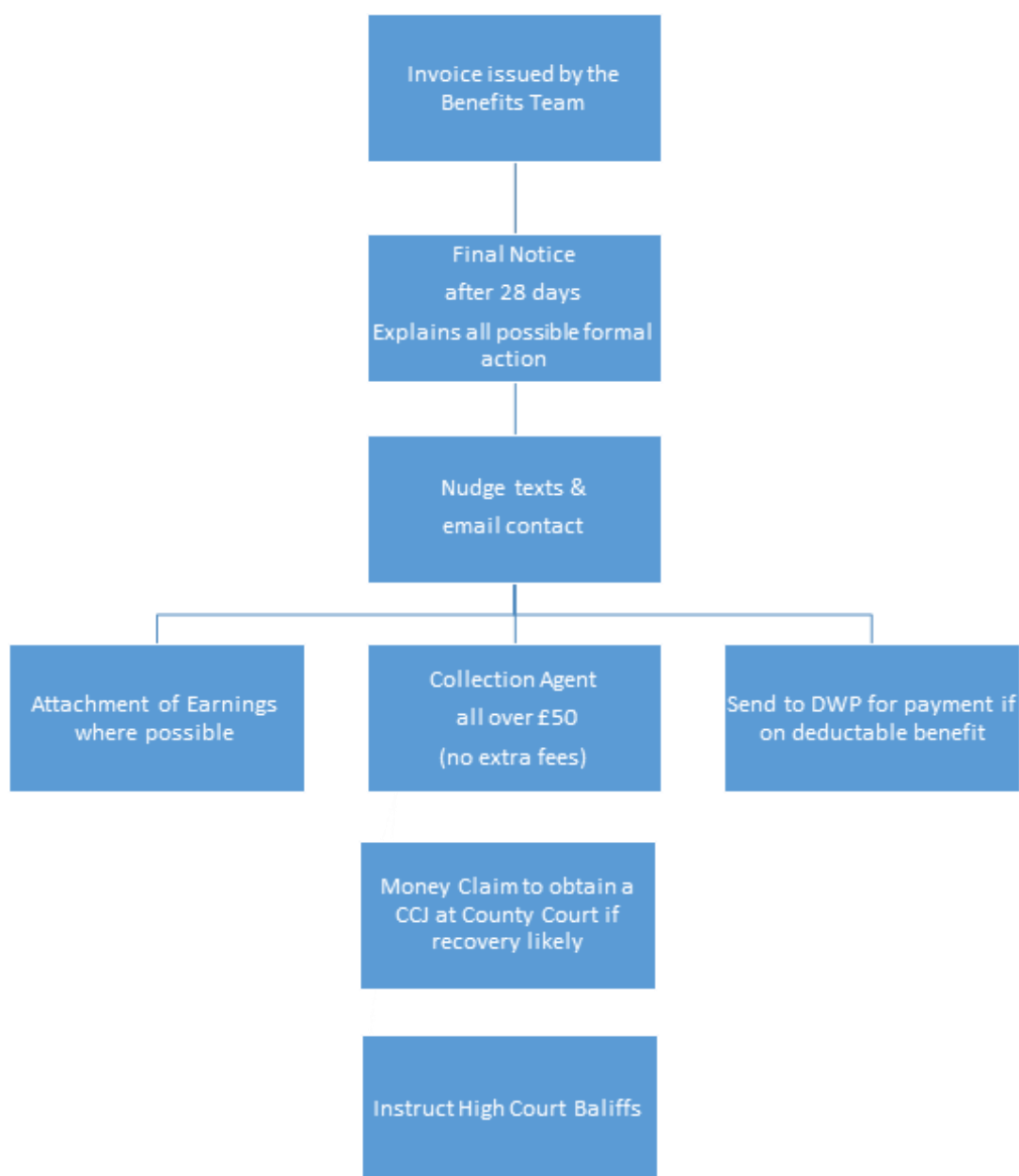


- 7.2 Forfeiture can also be considered for the recovery of commercial rent. This is where the Council will forfeit a lease due to non-payment of rent. The Council will instruct an Enforcement Agent to carry out the process of securing the property.



## 8. Housing Benefit Overpayment Process

- 8.1 A Housing Benefit Overpayment is where an individual has been overpaid benefit for a period that they were not entitled.
- 8.2 A deduction from the claimant's weekly Housing Benefit shall be set following Housing Benefit Regulations. The claimant will receive notification that the overpayment will be recovered in this way.
- 8.3 Where recovery is not possible from existing Housing Benefit an invoice is issued to the claimant or landlord depending on who is liable. The Income Management Team will make use of landlord 'blameless tenant' recovery in cases where the debt is a landlord overpayment and that landlord has other tenants receiving Housing Benefit. The landlord will be notified that we are to recover the overpayment from the claimant and vice versa.



## **9. Enforcement**

- 9.1 The Council will use all means at its disposal to ensure that any debts owed are recovered following any relevant statutory or civil process to enforce payment.

When initiating recovery action the officer must also consider whether the debtor is vulnerable and how any action would impact on them.

The following enforcement options will be considered by Council Officers (as well as other options specific to an individual case).

### **9.2 Enforcement Agents**

All Enforcement Agents are regulated and must act in prescribed ways to our customers. They are all fully trained on how to identify vulnerable customers and wear body cameras so all customer contacts are recorded and can be viewed back if required.

There is a clearly defined stage process and Enforcement Agents can only charge fees for each stage when certain trigger actions have been completed.

- Stage 1- Compliance stage £75.00
- Stage 2 – Enforcement Stage £235.00 + 7.5% on the original debt over £1,500
- Stage 3 – Sale Stage £110.00 + 7.5% on the original debt over £1,500

### **9.3 Attachment of Earnings, Fees or Benefits**

Used where the debtor is employed or in receipt of other regular income where payments can be taken directly from this income. Deductions are made at a rate determined by legislation.

### **9.4 Bankruptcy Proceedings/Liquidation**

Used when the debtor is a property owner and it is thought that there will be sufficient equity within the property to support full or partial repayment of the debt.

Cases considered suitable for bankruptcy are selected from cases that have been returned from the bailiff, either unable to gain entry or unable to access or returned no goods.

The following factors must be considered:

- The level of equity available in the liable property and any other associated properties where the debtor has a financial interest must cover the outstanding debt and associated costs.
- Whether the property is up for sale and therefore a charging order would be more appropriate.

### **9.5 Charging Orders on Property**

Used where the debtor owns a property, the Council is able to recover debt when the property is sold in the future. The Council may consider this action where the debtor is on a low income and or is classed as vulnerable or elderly.

## 9.6 Committal Proceedings

The law allows Councils to apply to the Magistrates Court to have a person sent to prison where there is culpable neglect or wilful refusal to pay debt.

This will be used when bankruptcy or charging orders are not appropriate. It is not generally accepted by the local magistrates' court as appropriate action, but can be used when other remedies have been exhausted.

## 9.7 Money Claim

This is an efficient and inexpensive way for the Council to commence the County Court Judgement (CCJ) process via the County Court. Customers are contacted in regard to any debt by The County Court and given the option to pay in full, set up an arrangement for payment or dispute the debt.

If the judgement is for more than £600 the Council may be able to ask a High Court Enforcement Officer to try to collect the money or remove goods to sell at auction. A warrant is required for this action.

## 10. Vulnerable customers and those who are in financial difficulty

10.1 The Council is committed to support and assist our vulnerable customers. The Income and Corporate Debt Team work closely with the Customer Support Team and external partners to offer the best solution and advice possible for the vulnerable customer and the Council.

10.2 Extenuating circumstances will be taken into account when considering recovery action in order to protect the vulnerable and avoid transference of a problem elsewhere.

Considerations may include:

- Whether there are very young or elderly people in the household
- Chronic or terminal illness
- Recent bereavement of spouse or member of household
- Potential homelessness
- The ability of the individual or household to make a payment
- Is an Exceptional Hardship Payment (EHP) or Discretionary Housing Payment (DHP) appropriate

For business debts considerations may include:

- Potential loss of employment for employees of the business
- Loss of key facilities for the local community
- A payment option is the only choice because the business has no assets
- Consideration to any relief that may be appropriate.

10.3 Where it has been identified that a customer is suffering from financial difficulties or other extenuating circumstances the Council is committed to providing advice and support as well as a variety of payment options including:

- Holding enforcement action once a customer makes contact to inform of a difficulty in making payment.
- Voluntary payment solutions considered in preference to statutory or civil remedies as a first stage.

- Past history of payments should be considered when making a decision to proceed with enforcement action.
- Where a payment solution is agreed this should be confirmed in writing by the Council including any action that will be taken should the agreed payments not be made.
- Payment solutions should be made with an agreed up-front payment from the debtor whenever possible.
- Where a payment solution cannot be agreed, the debtor will be advised of the reasons why and that the recovery process will continue should an alternative arrangement not be made.

## 11. Debt Advice

If a customer has several debts and is struggling to pay them, the Corporate Debt Team will offer a referral for independent advice through the Money and Pension Service.

To be referred the customer must meet eligibility criteria:

- resides in England
- be in arrears/struggling to maintain payments
- not already be in a debt solution
- not be self-employed or a company director

Money and Pension Service offer a range of advice and support to help maximise income, manage debts and apply for statutory debt solutions.

## 12. Breathing Space

The Council will work with debt advisers to allow eligible debtors to enter 'breathing space' in accordance with Government Guidance - [Debt Respite Scheme \(Breathing Space\) guidance for creditors - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/debt-respite-scheme-breathing-space).

## 13. Tracing and Searches

- 13.1 As part of the recovery process a number of traces and searches can be carried out to try and establish further information on a debtor. This is particularly useful when we have no forwarding address for someone who has moved home before settling a debt.
- 13.2 Locating Council Tax Absconders (LOCTA) is a local government tracing tool that provides a suite of information including, forwarding address, DWP information, credit reports and telephone numbers.
- 13.3 If a LOCTA search is unsuccessful the Council may use a Credit Referencing Agency to trace an individual. The Data Protection Act section 29 allows Local Authorities to credit check and search individuals in regard to the collection of Tax.
- 13.5 The use of internet searches and Social Media to access information in the public domain is also very useful, particularly in establishing employment details for attachment of earnings.

- 13.6 We can also use a Customer Information System (CIS) check that allows certain authorised officers to search DWP database. This information can only be used for the recovery of Housing Benefit Overpayments.
- 13.7 If necessary the Council may ask a Revenues Inspector to carry out a visit to establish the status of a property.

## 14. Bad debts

14.1 For the purpose of this policy a bad debt is classified as:

- Money due when there is little or no likelihood of recovery after all methods have been exhausted.
- Money due where it is uneconomical or inefficient to recover the sum due.
- Money due but the debt is too old (aged) to continue recovery.
- Money due where the Council does not wish to pursue recovery because the circumstances of a case would attract well-founded adverse publicity or public reaction, or the concept of natural justice would be compromised

14.2 Where it is considered that a debt is a bad debt the Council will ensure that it is written off promptly to preserve and maintain the principle of accurate and up to date information. Decisions will be made based on the circumstances that exist at the time and any unusual circumstances should be referred to the Head of Service or Portfolio Holder.

<i>Debt Value</i>	<i>Process</i>	<i>Authorised Person</i>
<b>Up to £100</b>	Write off on the system with screen notes using write off code	Corporate Debt/Revenues Officer
<b>£101 to £1,000</b>	As above. Income and Corporate Debt Manager to carry out spot checks and record for audit purposes.	Corporate Debt/Revenues Officer Corporate Debt Manager
<b>£1,000 - £10,000</b>	Detailed system checks/searches carried out. If unsuccessful and investigation form is complete and signed. Investigation forms scanned and front schedule to be signed.	Corporate Debt Manager S151 Officer
<b>Over £10,000</b>	A Portfolio Holder report must be complete with details of individual write-offs	Portfolio Holder Addendum see appendix 3

14.3 The cumulative total of debts written off will be monitored by the Income and Corporate Debt Manager to ensure that the incidence of bad debt remains consistent with the Councils estimates and projections.

## 15. Complaints and errors

- 15.1 If an error or mistake is made in the process of recovering debt the account will reviewed and appropriate action taken.
- 15.2 If a customer is unhappy with the service provided or disagrees with the decisions made they are able to complain through the Councils standard complaints procedure. Details of this can be found on the Council website - <http://www.colchester.gov.uk/complaints>.
- 15.3 During the process of enforcing payment of outstanding debts it is possible that evidence or facts emerge after enforcement proceedings have been taken or have been completed.
- 15.4 In these cases the Council will take appropriate action to remedy the situation as far as possible:
- Proceedings will be stopped immediately
  - The debtors account will be noted to reflect the revised situation
  - Where appropriate the Court involved will be advised
- 15.5 Although the Council will make every effort to resolve a misrepresentation of the true situation, some issues can only be resolved by reference to the Courts.

## **Appendix 1**

### **Standard Enforcement Actions for Mortgages and Shared Ownership Scheme**

Individual accounts are monitored on a regular basis to ensure that regular monthly payments are received, and reminders sent. Where all or part of the debt is paid by the Pensions Service or the Benefits Division, the receipt of these sums will also be monitored. Whilst standard reminders are available, a more personal approach will often be required.

If the debtor fails to maintain regular payments the Corporate Debt Team will attempt to discuss options. Should this not prove possible, or if arrangements are not adhered to, then the following action will be taken:

#### **Mortgages**

Legal Services will be approached and given sufficient information to allow for the preparation of a possession order to be requested from the District Judge. Whilst Court papers are being prepared, Legal Services will warn the debtor of the implications of non-payment.

If a possession order is obtained, the Income Management Team will monitor the arrangement made. Should payment cease, a Portfolio Holder decision will be required if it becomes necessary to implement the order.

#### **Shared ownership cases**

Where a mortgage is held on the property, then the lender will be advised that rent is not being paid and that forfeiture proceedings are being considered. If the lender will not make payment on behalf of the borrower, or if there is no lender, the Council will decide whether to pursue forfeiture or to attempt to obtain a money judgment for the County Court.

## Appendix 2

### Standard Enforcement Actions for Penalty Charge Notices (North Essex Parking Partnership)

This debt is collected directly by the North Essex Parking Partnership and not Customer Services.

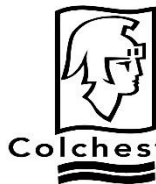
Parking enforcement is carried out in accordance with the provisions and procedures laid out in the Traffic Management Act 2004. A parking Penalty Charge Notice is not a debt until the motorist has exhausted all avenues of appeal.

1. **Penalty Charge Notice** issued.
2. **DVLA enquiry** made if no correspondence received, or payment received within 31 days.
3. **Notice to Owner** sent if full payment is not received within 31 days of issue.
4. **Charge Certificate** sent and charge increased by 50% of full payment, or representation against Notice to Owner, if not received within 31 days.
5. **Debt registered at County Court** and fees added if full payment is not received within 17 days of Charge Certificate being sent.
6. **Notice of Debt Registration** sent.
7. **Apply for a Warrant of Execution and instruct Enforcement Agents (bailiffs)** if full payment or Witness Statement is not received within 21 days of Notice of Debt Registration being sent. A Warrant of Execution has a lifespan of 12 months only and cannot be reissued thereafter. If the Council has been unsuccessful in recovering the penalty charge by means of a Warrant within 12 months and wishes to pursue, the Council must ask the Traffic Enforcement Centre (Northampton County Court) for authorisation to prepare another Warrant. Warrants that have been returned from the Bailiff after a period of 6 months because the debtor could not be traced or there are no funds or goods to seize can be sent to other Bailiff companies for collection.
8. If warrants remain unpaid, the council is now able to recover debt using a different process where a valid warrant is not required.









# Governance and Audit Committee

Item  
**10**

22 November 2022

Report of Monitoring Officer

Author **Andrew Weavers**  
☎ 282213

Title **Review of Local Code of Corporate Governance**

Wards affected Not applicable

## 1. Executive Summary

- 1.1 This report requests the Committee to review the Local Code of Corporate Governance for 2022/23. The Local Code of Corporate Governance is how the Council demonstrates that its structures comply with the recognised principles of good governance.
- 1.2 The report also recommends that Full Council includes the Code in its Policy Framework which comprises all of the Authority's key policies.

## 2. Recommended Decision

- 2.1 To review the updated Local Code of Corporate Governance for 2022/23.
- 2.2 To recommend to Full Council that it be approved for inclusion in the Council's Policy Framework.

## 3. Background

- 3.1 In 2007 CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives) issued "Delivering Good Governance in Local Authorities", a guide to ensuring that local authorities are appropriately governed. This was updated in April 2016.
- 3.2 Governance is defined as the systems and processes, and cultures and values, by which an organisation is directed and controlled and through which it accounts to, engages with and, where appropriate, leads their communities. It is about how Colchester Borough Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner
- 3.3 The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Councillors and Officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal.
- 3.4 Therefore a Local Code of Corporate Governance has been developed to ensure that the Council complies with the principles set out in the CIPFA/SOLACE guidance. The Local Code is reviewed annually, to ensure that the Council is still satisfying the principles, and

forms part of the Council's Policy Framework. The Committee last considered the Local Code at its meeting on 23 November 2021.

- 3.5 The guidance identifies six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. The principles are;
- Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area;
  - Councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
  - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
  - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
  - Developing the capacity and capability of members and officers to be effective; and
  - Engaging with local people and other stakeholders to ensure robust public accountability.
- 3.6 The six core principles each have a number of supporting principles, which in turn have a range of specific requirements that apply across the range of Council business.
- 3.7 The Local Code, and the Council's compliance with the principles, have been reviewed, and attached at Appendix 1 is the updated Local Code of Corporate Governance for 2022/23. This sets out the six principles and elaborates on how the Council is meeting them, what source documents or processes evidence this and in addition highlights any further or ongoing work. This in turn links into the Council's Annual Governance Statement.
- 3.8 The Local Code has been updated to reflect the delivery of the strategic plan 2020-23 and Cabinet's vision and priorities, along with details of the peer challenge, the People Strategy, apprenticeship programme for staff, the creation of a central site for council data and provision of cost of living resources. Details of the newly created staff engagement group, 'Speak up Now', have also been provided. Otherwise, there have been no significant changes to the Local Code following the review, and it is considered still fit for purpose.

#### **4. Strategic Plan References**

- 4.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan priorities to set out the direction and future potential for our Borough.

#### **5. Publicity Considerations**

- 5.1 The Local Code of Corporate Governance will be published on Corporate Governance section of the Council's website.

#### **6. Financial, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety, Risk Management and Environmental and Sustainability Implications**

- 6.1 None.



Colchester  
City Council

# Code of Corporate Governance 2022/23

[www.colchester.gov.uk](http://www.colchester.gov.uk)

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## THE PRINCIPLES OF CORPORATE GOVERNANCE

- Core Principle 1** *Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area.*
- Core Principle 2** *Members and officers working together to deliver the objectives of the Strategic Plan (the common purpose) with clearly defined functions and roles.*
- Core Principle 3** *Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.*
- Core Principle 4** *Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.*
- Core Principle 5** *Developing the capacity and capability of members and officers to be effective.*
- Core Principle 6** *Engaging with local people and other stakeholders to ensure robust public accountability.*

## CODE OF CORPORATE GOVERNANCE

### INTRODUCTION

*“Governance is about how local government bodies ensure that they are doing the right things, in the right way for everyone, in a timely, inclusive, open, honest and accountable manner.*

*It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and where appropriate, lead their communities”.*

**Delivering Good Governance in Local Authorities (CIPFA/SOLACE 2007)**

**The CIPFA/SOLACE guidance “Delivering Good Governance in Local Authorities” identified six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. These principles are:**

- 1. Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area*
- 2. Members and officers working together to achieve a common purpose with clearly defined functions and roles*
- 3. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour*
- 4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk*
- 5. Developing the capacity and capability of members and officers to be effective*
- 6. Engaging with local people and other stakeholders to ensure robust public accountability.*

**This Code of Governance has been prepared in accordance with the Guidance and will be reviewed by the Governance and Audit Committee on an annual basis.**

**Additionally, authorities are required to prepare and publish an Annual Governance Statement in accordance with this framework under Regulation 4(2) of the Accounts and Audit (Amendment) (England) Regulations 2011. The Annual Governance Statement is a key corporate document. The Chief Executive and the Leader of the Council have joint responsibility as signatories for its accuracy and completeness.**



## PRINCIPLE ONE

**Core Principle 1 – Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area**

**Our aims in relation to focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area are to:**

- 1.1 Exercise strategic leadership by developing and clearly communicating the authority's purpose, vision and its intended outcome for citizens and service users
- 1.2 Ensure users receive a high quality service whether directly, or in partnership, or by commissioning
- 1.3 Ensure that the authority makes best use of resources and that tax payers and service users receive excellent value for money

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.1.1 Develop and promote the Council's purpose and vision</p>	<p>The <a href="#">Strategic Plan 2020-23</a> sets out how the Council will address the key challenges facing the City through five strategic priority themes. It was approved by full Council in October 2020. In June 2022 the Cabinet agreed the <a href="#">strategic priorities for 2022/23</a>.</p> <p>The Council's commercial programme, including its three trading subsidiaries – Amphora Trading, Homes and Energy – within Colchester Commercial (Holdings) Ltd (CCHL) holding company.</p> <p>Partnership working with local, regional and national stakeholders.</p> <p>Service Plans.</p> <p>ICT, Communication and Technology Strategy.</p> <p>Council website – <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a>.</p> <p>Local Research and Statistics data on website.</p> <p>The Constitution and its committees and panels.</p> <p>People Strategy - embedding the organisational goals for staff, including our people vision and values.</p> <p>Key Performance Indicators (KPIs) reported and published to show achievements against targets</p> <p>The Council's strategies and policies.</p> <p>Awards and accreditations - <a href="#">council-wide</a> and <a href="#">individual services</a>.</p> <p><a href="#">Publication Scheme/Transparency Code</a>.</p> <p>The 'Service Futures' programme which took a fundamental review of Council services and how they are delivered.</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2020-23</a>, including the <a href="#">strategic priorities for 2022/23</a>, <a href="#">update on progress in delivering Cabinet vision and priorities</a> and <a href="#">news release</a>. Report to Cabinet in October 2022 on progress in implementing Cabinet vision and priorities.</p> <p>Plans are underway to co-design a new Strategic Plan from April 2023, including <a href="#">public consultation on the Council's future priorities</a>.</p> <p>A <a href="#">Peer Challenge</a> has taken place and will inform how the Council moves forward.</p> <p>The development of the <a href="#">CCHL/Amphora companies</a>, and the implementation of their high-level goals, financial targets and management agreements. Monitoring includes the <a href="#">CCHL Annual Report 2020/21</a>.</p> <p>Encouraging self-serve and online options to maximise use of resources.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.1.1 Develop and promote the Council's purpose and vision contd.</p>		<p>Council's Research and Change Team review customer demand and feedback, statistics and research to support business improvement.</p> <p>Council website – continuing its development to support the Council's vision and objectives, including focus on online self-serve options.</p> <p><a href="#">Digital Access Team</a> – external funding secured to help customers get online so they can access self-serve options and information to support themselves and the digital opportunities available if customers use the web.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.1.2 Review on a regular basis the Council's vision for the local area and its impact on the authority's governance arrangements</p>	<p>Strategic Plan and its Action Plan. The Constitution and its committees and panels. Medium Term Financial Strategy and Capital Programme. Local Code of Corporate Governance. Annual Governance Statement and Assurance Framework. Risk Register.</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2020-23</a>, including the <a href="#">strategic priorities for 2022/23</a>, <a href="#">update on progress in delivering Cabinet vision and priorities</a> and <a href="#">news release</a>. Plans are underway to co-design a new Strategic Plan from April 2023, including <a href="#">public consultation on the Council's future priorities</a>.</p> <p>A <a href="#">Peer Challenge</a> has taken place and will inform how the Council moves forward.</p> <p>Local Code of Corporate Governance updated as required by CIPFA Guidance</p> <p>Terms of Reference of the Policy Panel reviewed and changed to ensure the Panel considers issues at the request of Cabinet and Portfolio Holders and must seek approval from Cabinet on whether and how issues proactively identified by the Panel are examined.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
1.1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties.	Strategic Plan 2020-23 Partners were key contributors in the Peer Challenge Safer Colchester Partnership – annual plan, website, strategic and operational groups Working with a range of partners to provide customer-facing services.	Crime and Disorder Committee examines the work of the Safer Colchester Partnership.  Proposed inclusion of Health Alliance director on the Council's Board of Directors.
1.1.4 Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance	Strategic Plan actions and monitoring of delivery Statement of Accounts Council's website <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a> Awards and accreditations, Performance and Improvement sections of the website Performance Management Board ICT, Communication and Technology Strategy The Council's Forward Plan Publication Scheme/Transparency Code All <a href="#">Annual Reports</a> into one place on the website for improved transparency and open access. An online ' <a href="#">Council data</a> ' library gives access to view and download a range of council databases, performance data and information.	Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2020-23</a> , including the <a href="#">strategic priorities for 2022/23</a> , <a href="#">update on progress in delivering Cabinet vision and priorities</a> and <a href="#">news release</a> .

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.2.1 Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available</p>	<p>Performance reporting to Senior Management, Scrutiny Panel and Cabinet            Consultation – “Consultations, Research and Statistics” section on website            Mosaic and other customer research tools            Annual Monitoring Report            External Audit annual audit letter and recommendations            Local Government and Social Care Ombudsman – Annual Review Letter            Review of Complaints Procedure</p>	<p>Research and Change Team review customer demand and feedback, statistics and research to encourage services to make informed choices based on fact, and support process improvement work council-wide.</p> <p>‘Customer’ strand of the Council’s <a href="#">Customer Service Standard</a>.</p> <p>‘Customers and Partnerships’ strand of Senior Management Team meetings – this meeting aims to ensure we are focused on our customers and looking for partnership opportunities.</p> <p>Feedback tab on webpages  <a href="#">‘Help us get it right’</a> options for customers</p>

In order to achieve our aims we have/will:	Source documents/processes	Further work ongoing
1.2.2 Put in place effective arrangements to identify and deal with failure in service delivery	Performance reporting and performance indicators Complaints Procedure Internal Audit Process and annual work programme Chief Operating Officer Performance Management Board – will PMB still exist under the new SMT arrangements? External Auditor's annual audit letter and recommendations The Constitution, Committees and Panels Risk Management Strategy Ethical Governance Policies Annual Governance Statement Action Plan Review of Complaints Procedure	Performance Management Board addresses and manages performance and financial issues and meets monthly. Preparation for Budget Group is also managed here.  <u>'Help us get it right'</u> options for customers
1.3.1 Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.	Performance Reporting Performance Management Board Environmental Sustainability Strategy/Actions External Auditor's annual audit letter and recommendations Statement of Accounts Annual Treasury Strategy Statement North Essex Parking Partnership annual report Report templates – financial considerations Monitoring of commercial performance Publication Scheme/Transparency Code Sustainability assessments for Local Plan	Building a sustainable commercial services arm for the Council – CCHL/Amphora trading companies. The Council has declared a Climate Emergency and has established an Environment and Sustainability Committee. This is an advisory Panel to Cabinet looking at how the Council should respond to the climate emergency. All decision making reports require an assessment of the environmental and sustainability implications of the decision.

## PRINCIPLE TWO

**Members and officers working together to deliver the objectives of the Strategic Plan (the common purpose) with clearly defined functions and roles.**

**Our aims in relation to Members and Officers working together to achieve a common purpose with clearly defined functions and roles are to:**

- 2.1 Ensure effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function
- 2.2 Ensure that a constructive working relationship exists between authority members and officers and the responsibilities of members and officers are carried out to a high standard
- 2.3 Ensure relationships between the authority, its partners and the public are clear so that each knows what to expect of the other



In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.1.1 Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice	Constitution (Cabinet terms of reference) Record of decisions and supporting materials Member/Officer Protocol Member Training and Development Senior officer training Member role profiles Committee and Councillor area on the Council website Publication Scheme/Transparency Code	The Constitution will continue to be reviewed on a rolling basis.
2.1.2 Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers	Constitution (Statutory Officer positions, Terms of Reference for Committees, Member roles) Protocols on planning, the representational role of Members, Chairmen, Officer/Members Schemes of Delegation Terms and Conditions of Employment Member role profiles	.
2.2.2 Make the chief executive or equivalent responsible and accountable to the authority for all aspects of operational management	Development of the Committee and Councillor area on the Council website provides more complete and easily accessible information about Councillors and the Council's decision making processes. Chief Executive designated with Head of Paid Service responsibilities Conditions of Employment Schemes of Delegation Job Accountability Statement /Person Specification Signature on Annual Governance Statement	The Constitution will continue to be reviewed on a rolling basis.  Support for this from Chief Operating Officer  Proposed new SMT arrangements designed to streamline officer decision making and increase accountability of operational managers.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.2.3 Develop protocols to ensure that the leader and chief executive (or equivalent) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained	Constitution Member/Officer Protocol Regular 1:2:1s	The Constitution will continue to be reviewed on a rolling basis.  The development of the CCHL/Amphora companies, and the implementation of their high-level goals, financial targets and management agreements.
2.2.4 Make a senior officer (usually the section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control	Strategic Finance Manager is the Council's Chief Financial Officer (S151 Officer). Constitution Job Accountability Statement / Person Specification S151 Officer Protocol Report template includes financial implications before report considered by Members Officer Pay Policy agreed by Full Council	
2.2.5 Make a senior officer (other than the responsible financial officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes, regulations are complied with (usually the Monitoring Officer)	Strategic Governance Manager is the Council's Monitoring Officer Monitoring Officer Protocol Job Accountability Statement / Person Specification Report template requires that Legal Services are consulted before a report is considered by Members	
2.3.1 Develop protocols to ensure effective communication between members and officers in their respective roles	Member / Officer Protocol Planning Procedures Code of Practice Outside Bodies advice given to Members Member and Officer Codes of Conduct	Portfolio Holder briefings  All member briefings

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.3.2 Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process including an effective remuneration panel (if applicable)	Pay and conditions policies and practices Independent Remuneration Panel Terms of Reference and Reports Regular liaison meeting with Unison Officer Pay Policy agreed by Full Council	
2.3.3 Ensure that effective mechanisms exist to monitor service delivery	Performance reporting and performance indicators Complaints Procedure Assistant Directors monitoring Service Plans Performance Management Board Performance management system Scrutiny Panel Annual Governance Statements for the Council, Colchester and Ipswich Museums Service and North Essex Parking Partnership Publication Scheme/Transparency Code	Customers and Partnerships' strand of Senior Management Team meetings  Customer insight work

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>2.3.4 Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated</p>	<p>Strategic Plan underpinned by a review of all existing consultation work.  Medium Term Financial Strategy  Performance reporting and indicators  Council Website  ICT, Communication and Technology Strategy  News releases, e-newsletters and social media  Customer insight groups  Service Reviews</p>	<p>Policy Panel set up to provide legislative, improvement and policy advice to Cabinet and Portfolio Holders on issues that may affect executive functions.</p> <p>Environment and Sustainability Panel set up on the same basis as the Policy Panel, but to provide Colchester's response to the climate emergency.</p> <p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2020-23</a>, including the <a href="#">strategic priorities for 2022/23</a>, <a href="#">update on progress in delivering Cabinet vision and priorities</a> and <a href="#">news release</a>.</p> <p>Plans are underway to co-design a new Strategic Plan from April 2023, including <a href="#">public consultation on the Council's future priorities</a>.</p> <p>A <a href="#">Peer Challenge</a> has taken place and will inform how the Council moves forward.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.3.5 When working in partnership ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority	Constitution Individual Partnership Agreements Service Level Agreements Advice given to Members in relation to outside bodies	Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny.
2.3.6 When working in partnership: <ul style="list-style-type: none"> <li>ensure that there is clarity about the legal status of the partnership</li> <li>ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.</li> </ul>	Constitution Individual Partnership Agreements Service Level Agreements Advice given to Members in relation to outside bodies Monitoring Officer role and protocol	Customers and Partnerships' strand of Senior Management Team meetings.

## PRINCIPLE THREE

**Core Principle 3 – Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

**Our aims in relation to promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour are to:**

- 3.1 Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.
- 3.2 Ensuring that organisational values are put into practice and are effective.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.1.1 Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect.	Constitution Chief Executive's and Leader's blog on intranet Performance reporting Governance and Audit Committee has an overall view of conduct issues established by its terms of reference Member and Officer Codes of Conduct Member/Officer Protocol Whistleblowing Policy Anti-Fraud and Corruption Policy Freedom of Information Policy statement and publication scheme Monitoring Officer and S151 Officer Protocols Localism Act Member conduct regime Annual review of Ethical Governance policies Peer Challenge Planning Procedures Code of Practice Officer Register of Gifts and Hospitality Officer voluntary register of interests Members' Register of Interests Website and intranet Portfolio Holder monthly sessions with senior officers "Corporate Governance" section on the Council's website bringing all relevant information together under one heading 'Council data' online resource	Staff survey and taking action on its findings  Leadership Development Programme led by Executive Management Team  Social media, including Yammer  Regular staff news bulletins by email  Information and videos on intranet  Employee Assistance Programme  Staff Wellbeing Champions and Mental Health First Aiders

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>3.1.2 Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols</p>	<p>Member and Officer Codes of Conduct Performance management system Complaints procedures Anti-fraud and Corruption Policy Member/Officer Protocol Induction for new Members and staff Member Development Programme Officer training on Member/ officer relationship Whistleblowing Policy Information and Communication Technology ICT Security Policy Safeguarding Policy Intranet Annual review of Ethical Governance policies Review of Complaints Procedure</p>	<p>Embedding the organisational goals for staff, including our people vision and values.</p> <p>The Job Accountability Statement/Person Specification template highlights the core values to applicants, and the staff appraisal scheme makes how you conduct yourself against the values, attitudes and behaviours to be equally important to achieving the SMART objectives that apply to the role.</p> <p>Adoption of New Model Code of Conduct and provision of training on the new code for members.</p>
<p>3.1.3 Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice</p>	<p>Member and Officer Codes of Conduct Equality and Diversity training for Members and Officers Financial Procedure Rules, Contract Procedure Rules Ethical Governance policies Registers of Interests (Officers and Members) Services and processes are underpinned by Equality Impact Assessments Equality Objectives Officer induction and training Annual review of Ethical Governance Policies Job Accountability Statements include whether or not a role is politically restricted</p>	<p>Response to consultation on revised Member Code of Conduct.</p> <p>Adoption of New Model Code of Conduct and provision of training on the new code for members.</p>



In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.2.1 Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners	Member and Officer Codes of Conduct Strategic Plan, objectives and priorities in place and shared Performance reporting Strategic Plan Action Plan – progress is reported to scrutiny on a half-yearly basis	People Strategy - embedding the organisational goals for staff, including our people vision and values  People Strategy actions
3.2.2 Put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	Contract Procedure Rules Ethical Governance Policies Member and Officer Codes of Conduct Monitoring of the above takes place by the Governance and Audit Committee ICT Security Policy Annual reporting to Governance and Audit Committee	
3.2.3 Develop and maintain an effective Standards Committee	Member conduct issues (standards) within remit of Governance and Audit Committee Agenda and Minutes Terms of Reference Regular meetings Member training on Code of Conduct Work programme	Annual review of the Localism Act arrangements by the Governance and Audit Committee.  Adoption of New Model Code of Conduct and provision of training on the new code for members.
3.2.4 Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority	Member and Officer Codes of Conduct Strategic Plan, objectives and priorities in place and being shared Performance Appraisals Portfolio Holder briefing with Senior Managers Policy Framework	People Strategy - embedding the organisational goals for staff, including our people vision and values.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.2.5 In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively	Values agreed with each partner	Annual report to Cabinet on Members' appointments to outside bodies, including feedback on outcomes, issues and engagement  Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny

## PRINCIPLE FOUR

### **Core Principle 4 – Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

#### **Our aims in taking informed and transparent decisions which are subject to effective scrutiny and managing risk are to:**

- 4.1 Being rigorous and transparent about how decisions are taken and listening and acting on the outcomes of constructive scrutiny.
- 4.2 Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.
- 4.3 Ensuring that an effective risk management system is in place.
- 4.4 Using their legal powers to the full benefit of the citizens and communities in their areas.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.1.1. Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the organisation's performance overall and of any organisation for which it is responsible	Scrutiny is supported by robust evidence and data analysis Agenda and Minutes Scrutiny Panel Work programme Successful outcome of reviews Ownership of work programme Training for scrutiny chairman and members Scrutiny of partners and joint projects	Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny  Specialised training provided to Scrutiny members
4.1.2 Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	The Constitution, Committees and Panels Decision making protocols Record of decisions and supporting materials Report template Decision list published (members) Live streaming of meetings via YouTube Website	Meetings have been live streamed through YouTube or Audiominutes leading to greater public engagement.
4.1.3 Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	Member and Officer Codes of Conduct Member and Officer Registers of Interests Declaration of Interests at meetings Code of Conduct guidance and training provided to Members and Officers Planning Procedures Code of Practice Governance and Audit Committee (responsibility) and Monitoring Officer (reports) Politically restricted posts Ethical Governance Policies, and annual review Secondary Employment Policy	Adoption of New Model Code of Conduct and provision of training on the new code for members.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.1.4 Develop and maintain an effective Audit Committee (or equivalent) which is independent or make other appropriate arrangements for the discharge of the functions of such a committee	Audit issues within remit of Governance and Audit Committee Member Development Programme Agenda and Minutes The Constitution	Continue to review Member training programme with specific reference to audit and governance
4.1.5 Put in place effective transparent and accessible arrangements for dealing with complaints	Complaints procedure " <a href="#">Help us get it right</a> " on website with full details Annual letter from Local Government and Social Care Ombudsman Customer insight work Social media Review of Complaints Procedure	
4.2.1 Ensure that those making decisions whether for the authority or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications	Council's Website Report templates dealing with key aspects Report by Assistant Director with necessary technical expertise included Training and professional development Equality Impact Assessments Clear and well understood decision-making processes with published timelines Publication Scheme and Transparency Code 'Council data' online resource	Projects carried out by the Council's Research and Change Team  Customer insight work  Introduction of a requirement that all decision making reports must address the environmental and sustainability implications of the decision.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.2.2 Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately	Report template requires that consultation is undertaken with legal and financial functions before report considered by Members Record of decision making and supporting materials S151 and Monitoring Officer Protocols Equality Impact Assessments Clear and well understood decision making processes with published timelines.	Business Partners for Corporate and Improvement Services, including legal and financial matters
4.3.1 Ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognising that risk management is part of their job	Risk Management Strategy - Policy Framework Corporate Risk Manager Corporate/service planning Cabinet Member with accountability for risk management Half-yearly reporting to Governance and Audit Committee Performance Management Board quarterly risk review Risk Registers- Strategic, Operational and Project Risk and Control self-assessment completed by all managers Training for Members and Officers Intranet area for Risk Management Corporate Governance Team, bringing together the co-ordination of governance processes.	Embedding of risk management processes into projects, with a review of what constitutes a significant project  Integrating operational, strategic and project risks into the risk reporting process to senior management

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.4.1 Actively recognise the limits of lawful activity placed on them by, for example the ultra vires doctrine but also strive to utilise powers to the full benefit of their communities	Constitution Monitoring Officer Report templates Equality Impact Assessments Equality Objectives	
4.4.2 Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law	Availability of professional legal advice Knowledge of current and forthcoming legislation and regulations Monitoring Officer Protocol S151 Officer Protocol Report templates Constitution Equality Impact Assessments Equality Objectives Training and Policy updates	Business Partners for Corporate and Improvement Services, including legal and financial matters
4.4.3 Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice into their procedures and decision making processes	Availability of professional legal advice Knowledge of current and forthcoming legislation and regulations Monitoring Officer Protocol S151 Officer Protocol Procedure Rules Report template Constitution Format for quasi-judicial committees “Have Your Say” processes Planning Procedure Code of Practice Equality Impact Assessments Equality Objectives 'Council data' online resource	Business Partners for Corporate and Improvement Services, including legal and financial matters

## PRINCIPLE FIVE

### **Core Principle 5 – Developing the capacity and capability of Members and Officers to be effective**

#### **Our aims in relation to developing the capacity and capability of Members and Officers to be effective are:**

- 5.1 Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles
- 5.2 Developing the capability of people with governance responsibilities and evaluating their performance as an individual and as a group
- 5.3 Encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal



In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>5.1.1 Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis</p>	<p>Member training and development Member training records on the website Member and Officer Induction programmes Refresher courses Briefings Performance reviews for officers People Strategy Personal Development Plans Learning and Development Strategy Charter Status for Elected Member Development renewed 2022 (re-assessed every 3 years)</p>	<p>Member skills development</p> <p>Intranet section with e-induction options and information for new starters.</p> <p>Learning and Development section on the intranet is now a 'one stop shop' for staff e-learning – from induction to essential skills and wellbeing – with new section offering free webinars/resources.</p> <p>External assessment for the reaccreditation of Member Charter Status required every 3 years – retained 2022.</p> <p>Refreshed approach to member induction in 2022</p>
<p>5.1.2 Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the organisation</p>	<p>Appraisals and regular 1 to 1 sessions Personal Development Plans Training and development Recruitment and Induction Monitoring Officer and S151 Officer Protocols Employee Policies Learning and Development Strategy/Annual Learning and Development Plan Talent Management/Career Track for staff Future Leader programme</p>	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.2.1 Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively	Performance reviews for officers SMART objectives Personal Development Plans for officers Member training and development People Strategy Learning and Development Strategy/Annual Learning and Development Plan Charter Status for Elected Member Development renewed 2022 (re-assessed every 3 years) Talent Management/Career Track for staff – Senior Management Team considers critical roles; moderate career track paths; confirm Future Leader or Future Potential assessments; and then consider those on the Future Leader career track and manage their development	Member skills development  Specialised training provided to Scrutiny members.  External assessment for the reaccreditation of Member Charter Status required every 3 years – retained 2022.  Member Development Group is overseeing work looking at Personal Development Plans for members.
5.2.2 Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed	Performance reviews for officers Personal Development Plans for officers Member training and development Member scrutiny training People Strategy Colchester Learning Managers Vine HR and East of England Local Government Association – meetings, best practice and briefings Peer Challenge and action plan Charter Status for Elected Member Development renewed April 2022 (re-assessed every 3 years) Talent Management/Career Track for staff	Member skills development  Learning and Development – commercial and Office365 skills  Specialised training provided to Scrutiny members.  External assessment for the reaccreditation of Member Charter Status required every 3 years – achieved 2022.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.2.3 Ensure that effective arrangements are in place for reviewing the performance of the authority as a whole and of individual members and agreeing an action plan which might for example aim to address any training or development needs	Performance reporting and indicators Performance and Improvement Framework Performance management and appraisals – staff SMART objectives People Strategy Peer Challenge and action plan Annual Audit Letter Members' Training Needs Analysis Annual Training Plan Local Government and Social Care Ombudsman Annual Letter	External assessment for the reaccreditation of Member Charter Status required every 3 years – retained 2022.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>5.3.1 Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority.</p>	<p>Equality Impact Assessments on services and policies            Consultations, Research and Statistics on website            Voluntary Sector Grants programme            Community Enabling Strategy            Public meetings            Equality Objectives            Strategic Plan Consultation            Local Development Framework consultation            Community development work            Consultations            Customer insight work            Research and Change Team projects            Have Your Say! processes            Appointment of Independent Persons            Audio streaming of Council meetings</p> <p>The adoption of on-line committee meetings, during the pandemic, enabled greater participation from all sections of the community. The viewing figures demonstrate greater public participation than the previous audio recordings. A public consultation provided responses that demonstrated overwhelming support for on-line meetings.</p>	<p>Apprenticeship scheme, and encouraging the Council's apprentices to take part in elections work</p> <p>Locality Budgets</p> <p>Use of social media</p> <p>Maintaining the Council's commitment to paying the Living Wage as a minimum for its staff including, for example, those helping to support the Council's elections work at polling stations</p> <p>Although the temporary legislation for on-line formal meetings was not extended beyond May 2021, all opportunities will be taken to lobby for a change in legislation to allow decision making to take place in a virtual environment.</p> <p>Non-formal meetings continue to be held virtually, where appropriate.</p> <p>Further development of the technology required to enable fully interactive hybrid meetings in the future.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.3.2 Ensure that career structures are in place for Members and Officers to encourage participation and development	People Strategy Internal Recruitment Process Internal Secondments Personal Development Plans for officers Personal Development Plans for members Talent Management/Career Track for staff Future Leader Programme Member skills development Staff structure charts	Apprenticeship Programme for staff  Staff Recognition Scheme and annual celebration of achievements.  Opportunities such as the District Council Staff Development Programme and the Local Authority Challenge as they arise  Commitment to LGA Leadership Academy Member Development Group is overseeing work looking at Personal Development Plans for members.

## PRINCIPLE SIX

### **Core Principle 6 – Engaging with local people and other stakeholders to ensure robust public accountability**

#### **Our aims in relation to engaging with local people and other stakeholders to ensure robust public accountability are to:**

- 6.1 Exercise leadership through a robust scrutiny function which engages effectively with local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.
- 6.2 Take an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly, in partnership or by commissioning.
- 6.3 Make best use of human resources by taking an active and planned approach to meet responsibility to staff.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>6.1.1 Make clear to themselves, all staff and the community, to whom they are accountable and for what</p>	<p>Constitution Community Enabling Strategy Stakeholder identification Targets and Performance Monitoring Website and intranet Consultation work ICT, Communication and Technology Strategy Asset Management Strategy 'Council data' resource on the Council's website brings together all information required under statutory codes such as the 'Local Government Transparency Code' and the 'Publication Scheme' to make this easily accessible <a href="#">Structure charts</a> for senior management</p>	<p>A wide range of information is brought together into one place on our website — <a href="#">Council Data</a> - much of this can be downloaded / shows year-on-year data. Planned IT and access improvements have now been made.</p> <p>Locality Budgets for councillors have been brought in with clearer guidelines and all spend/activity transparently available on the Council's website.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.1.2 Consider those institutional stakeholders to whom they are accountable and assess the effectiveness of the relationships and any changes required	Stakeholder identification Statutory provisions Stakeholder surveys Consultation Strategy ICT, Communication and Technology Strategy Scrutiny Panel and the Crime and Disorder Committee Work Programme 'Council data' online resource	Ongoing review of Freedom of Information requests to see if there are items which could be put onto the website or 'Council data', so that a repeat request would not be needed as the item had been made freely available.
6.1.3 Produce an annual report on scrutiny function activity	Annual Scrutiny Report agreed by Full Council	
6.2.1 Ensure that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively	ICT, Communication and Technology Strategy News releases, e-newsletters and social media Websites for the Council and subsidiaries Equality Impact Assessments Safeguarding Policies 'Council data', Freedom of Information and Data Protection section of the website Recordings of meetings on the website	<p><a href="#">Cost of Living</a> resources set up, and have provided a source of latest updates, information, advice and support for <a href="#">residents</a>, <a href="#">businesses</a> and <a href="#">communities</a>. These were based on experience and feedback gained from the <a href="#">Coronavirus</a> resources.</p> <p>The Council's <a href="#">Digital Access Team</a> has a range of activities and actions to support the community with online communication and service access.</p> <p>Social media and text messaging</p> <p>Customer and demand projects</p>



In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.2.2 Hold meetings in public unless there are good reasons for confidentiality	Constitution Access to Information Rules Compliance with Localism Act access to information regulations Audio streaming of Council meetings	Meetings have been live streamed through YouTube or Audiominutes leading to greater public engagement.
6.2.3 Ensure arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands	Strategic Plan Website - "Consultations, Research and Statistics" section Consultation work ICT, Communication and Technology Strategy Community development work Equality Objectives/Equality Impact Assessments Budget Consultation Meeting	Holding <a href="#">public consultations</a> on key issues to encourage different sections with differing views to take part
6.2.4 Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result	Statement of Community Involvement Customer insight project team and its work Partnership framework ICT, Communication and Technology Strategy Consultation Strategy Budget Consultation - meeting and online Strategic Plan consultation Website - "Consultations, Research and Statistics" section Cabinet and Council – progress of questions raised by the public	Policy Panel review of results and data collected in recent surveys and consultations with a view to exploring these in more depth at future meetings as part of the Panel's forward plan

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.2.5 On an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period	Statement of Accounts Strategic Plan Strategic Plan Action Plan – progress is reported to Scrutiny and Cabinet on a half-yearly basis Performance Reporting and Indicators Council website has "Performance and Improvement", "Council Awards and Achievements" and "Council and Democracy" sections Publication Scheme and Transparency Code All annual reports into one central place on the Council's website for improved transparency.	
6.2.6 Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so	Constitution Customer service standards Voluntary Sector Compact "Have Your Say" at meetings Freedom of Information Act Publication Scheme Member and Officer Codes of Conduct Ethical Governance Policies Monitoring Officer Protocol ICT, Communication and Technology Strategy Data Protection Policy ICT Security Policy Council website 'Council data', Freedom of Information and Data Protection section of the website National Fraud Initiative - Fair Processing Notice Publication Scheme and Transparency Code Live Streaming of Council meetings Working with a range of partners to provide customer-facing services.	Security checks on staff who process official/sensitive information using the Public Sector Network or who need a secure GCSX e-mail address

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making	Investors in People Facilities and Recognition Agreement with UNISON – including monthly meetings. Internal Communications Strategy Service Reviews and other operational reviews include consultation and involvement arrangements as part of the process/staff communications	Staff survey and taking action on its findings  Staff involvement – engagement group called ‘Speak Up Now’ has been established

