

Governance and Audit Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Tuesday, 11 October 2016 at 18:00

The Governance and Audit Committee considers and approves the Council's Statement of Accounts and reviews the Council's annual audit letter. The Committee also deals with the Council's governance, risk management and audit arrangements. To make recommendations to the Council on functions such as Elections and bye laws, and determine Community Governance Reviews.

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, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Your Council> Councillors and Meetings>Have Your Say at www.colchester.gov.uk

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Governance and Audit Committee - Terms of Reference (but not limited to)

Accounts and Audit

To consider and approve the Council's Statement of Accounts and the Council's financial accounts, and review the Council's external auditor's annual audit letter.

Governance

To consider the findings of the annual review of governance including the effectiveness of the system of internal audit and approve the signing of the Annual Governance Statement.

To have an overview of the Council's control arrangements including risk management and in particular with regard to the annual audit plan and work programme, and to approve the policies contained in the Council's Ethical Governance Framework.

Other regulatory matters

To make recommendations to Council on functions such as elections, the name and status of areas and individuals, and byelaws.

To determine and approve Community Governance Reviews.

Standards in relation to Member Conduct

To consider reports from the Monitoring Officer on the effectiveness of the Members' Code of Conduct, and to advise the Council on the adoption or revision of the Code.

To receive referrals from the Monitoring Officer into allegations of misconduct and to create a Hearings Sub-Committee to hear and determine complaints about Members and Co-opted Members referred to it by the Monitoring Officer.

To conduct hearings on behalf of the Parish and Town Councils and to make recommendation to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish or Town Councillor.

To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.

To grant dispensations, and to hear and determine appeals against refusal to grant dispensations by the Monitoring Officer.

To make recommendations to Council regarding the appointment of Independent Persons.

General

To review of the Constitution including governance issues around formal meetings, processes and member training and to make recommendations to Council.

COLCHESTER BOROUGH COUNCIL
Governance and Audit Committee
Tuesday, 11 October 2016 at 18:00

Member:

Councillor Chris Pearson
Councillor Nick Barlow
Councillor Karen Chaplin
Councillor Peter Chillingworth
Councillor Fiona Maclean
Councillor Dennis Willetts

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;
 - location of toilets;
 - introduction of members of the meeting.

2 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

4 **Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

5 **Minutes**

9 - 14

To confirm as a correct record the minutes of the meeting held on 13 September 2016.

6 **Have Your Say!**

a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter relating to the terms of reference of the Committee/Panel not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter relating to

the terms of reference of the Committee/Panel not on this agenda.

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|----|--|--------------|
| 7 | Work Programme 2016-17
See report of Assistant Chief Executive. | 15 - 16 |
| 8 | Review of contract management arrangements
See report of Monitoring Officer | 17 - 18 |
| 9 | Health & Safety Policy 2016/17 & Annual Review
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| 10 | Local Government Ombudsman – Annual Review 2015/2016
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| 11 | Review of the Council’s Ethical Governance Policies
See report of Monitoring Officer. | 65 - 120 |
| 12 | Review of the Members’ Code of Conduct and the Council’s Localsim Act Arrangements
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| 13 | Gifts and Hospitality – Review of Guidance for Councillors and Policy for Officers
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| 14 | Review of Local Code of Corporate Governance
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| 15 | 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)

GOVERNANCE AND AUDIT COMMITTEE

13 SEPTEMBER 2016

Present:- Councillor Pearson (Chair), Councillor Barlow, Councillor Chaplin, Councillor Chillingworth, Councillor Maclean, Councillor Willetts

Also Present:- Councillor T.Young, Councillor Cory

15. Minutes

RESOLVED that the minutes of the meeting held 26 July 2016 were confirmed as a correct record.

16. Work Programme 2016/17

Councillor Pearson introduced the work programme and highlighted to the Committee that there will be an additional meeting scheduled for the end of February or beginning of March in order to receive the third quarter Revenue and Capital reports.

RESOLVED that the Work Programme 2016/17 be noted.

17. Colchester Borough Homes Annual Report and Governance Statement

Councillor Chapman, Chair of the Finance and Audit Committee at Colchester Borough Homes introduced the report. The report requests that the Committee considers and comments on the Governance Assurance Statement of Colchester Borough Homes and accepts the assurance provided by Colchester Borough Homes regarding its governance arrangements through 2015/16.

Councillor Chapman stated that he was fully confident in the governance processes at Colchester Borough Homes; governance arrangements are becoming increasingly more important due to the widening business activities of Colchester Borough Homes. For the financial year that this report reflects both Councillor Chapman and Councillor Lilley were members of the Finance and Audit Committee, for the current financial year Councillor Liddy has replaced Councillor Lilley. In addition to the Councillor appointments, Councillor Chapman highlighted there are a number of independent members who have experience in different fields of work and add to the knowledge of the Committee.

Michael Hadjimichael, Director of Resources, Colchester Borough Homes, stated that he had been in post just over a year, and was confident with the approach and the current arrangements

The Committee welcomed the report; Councillor Willetts questioned how well the relationship between Colchester Borough Council and Colchester Borough Homes was working. In response, Michael Hadjimichael stated that there was a good understanding

between Colchester Borough Council and Colchester Borough Homes to deliver services and to continue the arrangements. A review of the services provided for the next three years will shortly be conducted and then reported back to the Governance and Audit Committee through the Annual Governance Statement in future years.

Councillor Chillingworth questioned how the changes in Government policy regarding rent had affected the risk register. Michael Hadjimichael stated that the risks had been included on the register for the last six months and Colchester Borough Homes have been working with the National Federation of Arm's Length Organisations to keep updated on the latest information. Colchester Borough Homes have also worked with local residents to keep them informed of any potential impact.

RESOLVED that;

- a) the Committee considered and commented on the Governance Assurance Statement of Colchester Borough Homes.
- b) the Committee accepts the assurance provided by Colchester Borough Homes regarding its governance arrangements throughout 2015/16.

18. Annual Statement of Accounts 2015/16

Steve Heath, Finance Manager, introduced the Annual Statement of Accounts 2015/16 report. The report requests that the Committee note the publication of the audited statement of accounts for 2015/16.

Steve Heath stated that the auditors had provided Colchester Borough Council with an unqualified opinion that the accounts give a true and fair view of the Council's financial position as at 31 March 2016 and of its income and expenditure for the year then ended. The Committee heard that a copy of the accounts had been placed in the library for those without online access to view.

RESOLVED that the Committee note the publication of the audited Statement of Accounts for 2015/16

19. Review of Meetings and Ways of Working

Andrew Weavers, Monitoring Officer, introduced the report on the review of meetings and ways of working. The report requests that the Committee note the contents of the report, provide feedback on the ideas contained within Appendix 1, consider a proposal for an informal meeting and agree a timescale for the review to take place.

Andrew Weavers highlighted that the report revolves around the scope that was agreed at the previous Governance and Audit Committee meeting. The appendix includes ideas that could assist in achieving the four objectives which Councillors will be required to prioritise.

Andrew Weavers provided the Committee with an update on the Town Hall Wireless network, which forms part of the Digital Challenge; it was confirmed that the network would be completed and operational by 31 October 2016.

The Committee discussed the priorities as part of the review. In response to questions regarding the new technology available to Councillors, it was confirmed that the introduction of Office365 would allow Councillors to work on any device with internet access in any location. This would be a significant improvement in the Virtual Desktop Infrastructure that

some Councillors currently use. In response to a query regarding the availability of devices for Councillors, Matt Sterling, Assistant Chief Executive confirmed that devices could be made available to Councillors if requested, however many Councillors are happy to continue using their own device.

Councillor Willetts commented on the reports and the objectives as part of the review. He stated that there should be greater focus on improving the technology available to Councillors and to the authority which would improve the day to day working practices rather than a specific focus on increase public participation. Councillor Willetts also highlighted the possibilities of officers attending meetings virtually rather than being required to physically attend meetings and also to avoid anachronisms to improve public understanding of Council processes. In response to a question from Councillor Willetts, Andrew Weavers confirmed that the constitution would have to be reviewed in light of the advancement of digital technology and in particular accessing agendas through tablet devices.

The Committee discussed the possibility of video streaming which would provide greater visibility of Councillors to the public, and also provide a means for members of the public to interact with the meeting remotely. The Committee also discussed changing the start time of Committee meetings, but were wary if different committees had different start times as this may cause confusion. Councillor Maclean highlighted those Councillors and residents who worked in London may struggle with the 6pm committee start times and suggested that the start time of the Governance and Audit Committee could be moved back thirty minutes.

A member of the public signalled their intention to have their say during the item and with the Chair's permission was permitted to speak.

Have Your Say!

Adam Wilson stated that whilst agreeing that IT needed to be improved for Councillors this goal should be achieved in parallel with increasing the level of public engagement and participation. Adam Wilson questioned the rationale behind the inclusion of age profile figures and recognised that members of the public only tended to have their say at meetings when the issue being discussed directly affected them.

Councillor Pearson thanked Adam Wilson for attending the meeting and having his say on the report. Whilst it was agreed that the information about age profile could have been presented in a better way, the reason behind its inclusion was to highlight the disparity in Councillor age groups. In response to the point raised by Adam Wilson, Councillor Willetts highlighted that in improving the technology for Councillors, this would have a knock on effect of improving the accessibility to Councillors and the decision making process.

The Committee discussed the reasons behind differing levels of Councillor representation from each of the age groups and the difficulty of being a Councillors and in full time employment.

Councillors also commented on making sure that information on how the Council works and decision making processes are easily accessible on the website, and that the Council needs to improve circulating this information to wider audiences. A suggestion was made about extending call-in periods for decisions and allowing means for members of the public to call decisions in.

The Committee agreed to hold two informal meetings to assist in the review of meetings and ways of working, the first of which would be for Councillors to provide a contribution and the second would be an opportunity for members of the public to feed into the review. The Committee also agreed that the review would not aim for completion by the February Council meeting.

RESOLVED that;

- a) the contents of the Review of Meetings and Ways of Working report be noted.
- b) the Governance and Audit Committee reviewed and commented on the ideas within Appendix 1.
- c) two informal meetings be arranged, one for Councillors to attend and the second for members of the public to attend and input their views into the review
- d) the review will not report to the Council meeting in February and that the timescale for the review be updated as it progresses.

20. Financial Monitoring Report – April to June 2016

Darren Brown, Finance Manager, and Councillor Cory, Portfolio Holder for Resources, introduced the Financial Monitoring Report for April to June 2016. The Committee is asked to consider the financial performance of General Fund Services and the Housing Revenue Account (HRA) for the first month of 2016/17.

Darren Brown stated that the projected outturn for the General Fund is currently a net overspend of £47,000, with the Housing Revenue Account forecast position currently on budget. Darren Brown highlighted that the quarter two financial monitoring report is due to go to the Scrutiny Panel during November.

Councillor Willetts questioned whether a forecast for each quarter of the budget could be provided to the Committee. In response Councillor Cory stated that the current system of reporting quarterly provides an accurate measurement, profiling each quarter would not provide the same accuracy due to the changing nature of each budget.

RESOLVED that the Financial Monitoring Report April to June 2016 be noted.

21. Capital Expenditure Monitor 2016/17

Steve Heath, Finance Manager, introduced the Capital Expenditure Monitor 2016/17 report. The report requests that the Committee review the level of capital spending during the first three months of 2016/17 and forecasts for future years.

Steve Heath highlighted the contents of the report to the Committee, and explained that the report focuses on the larger projects that relate to the creation of an asset. The capital programme also runs over a number of financial years.

Accrued capital spending for the first three months of the year totalled £2.4m, which represents 9% of the projected spend for 2016/17. Steve Heath highlighted that there had been no significant variances from the capital programme, and there were currently no red schemes.

Responding to a question from the Chair, Steve Heath confirmed that the usage of the term capital receipts within appendix B reflected previous Cabinet decisions that used capital receipts rather than the sale of those elements listed.

Steve Heath also responded to another query, stating that for those significant projects the expenditure is itemised and coded allowing officers to look at the type of spend. The Committee agreed that this information could be provided at the Chairman's briefing prior to the Governance and Audit Committee receiving the quarter three capital report.

RESOLVED that the Capital Expenditure Monitor 2016/17 be noted.

11 October 2016

Report of	Assistant Chief Executive	Author	Jonathan Baker
Title	Work Programme 2016-17		282207
Wards affected	Not applicable		

This report sets out the current Work Programme 2016-2017 for the Governance and Audit Committee.

1. Decisions Required

- 1.1 The Committee is asked to note the contents Committee's Work Programme for 2016-17.

2. Alternative options

- 2.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

3. Introduction

- 3.1 The Governance and Audit Committee deals with the approval of the Council's Statement of Accounts, audit, other miscellaneous regulatory matters and standards.
- 3.2 The Committee's work programme will evolve as the Municipal Year progresses and items of business are commenced and concluded. At each meeting the opportunity is taken for the work programme to be reviewed and, if necessary, amended according to current circumstances.

4. Strategic Plan References

- 4.1 Governance is integral to the delivery of the Strategic Plan's vision themes of a vibrant, prosperous, thriving and welcoming Borough.
- 4.2 The Council recognises that effective local government relies on establishing and maintaining the public's confidence, and that setting high standards of self governance provides a clear and demonstrable lead. Effective governance underpins the implementation and application of all aspects of the Council's work.

5. Standard References

- 5.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

WORK PROGRAMME 2016-17

Meeting date / Agenda items
<p>28 June 2016</p> <ol style="list-style-type: none"> 1. Audit Plan and Annual Audit & Certification Fees (Ernst and Young) 2. Draft Annual Statement of Accounts 2015/16 (Finance Manager) 3. Review of the Governance Framework and Draft Annual Governance Statement (Corporate Governance Manager) 4. Year End Internal Audit Assurance Report 2015/16 (Audit Manager and Corporate Governance Manager)
<p>26 July 2016</p> <ol style="list-style-type: none"> 1. Annual Statement of Accounts 2015/16 (Finance Manager) 2. Complaints in relation to Councillor Buston 3. Review of Council Meetings and Procedures 4. 2015/16 Year End Review of Risk Management
<p>13 September 2016</p> <ol style="list-style-type: none"> 1. Colchester Borough Homes Annual Report and Governance Statement 2. Annual Statement of Accounts 2015/16 3. Financial Monitoring Report – April to June 2016 4. Capital Expenditure Monitor 2016/17 5. Review of Meetings and Ways of Working
<p>11 October 2016</p> <ol style="list-style-type: none"> 1. Review of Contract Management 2. Health and Safety Policy and Annual Report 3. Local Government Ombudsman Annual Review (Monitoring Officer) 4. Review of the Council's Ethical Governance Policies (Monitoring Officer) 5. Review of the Members' Code of Conduct and the Council's "Arrangements" (Monitoring Officer) 6. Gifts and Hospitality – Review of Guidance for Councillors and Policy for Officers (Monitoring Officer) 7. Review of Local Code of Corporate Governance (Monitoring Officer)
<p>22 November 2016</p> <ol style="list-style-type: none"> 1. Annual Audit Letter (Ernst and Young) 2. 2016-17 Interim Annual Governance Statement (Corporate Governance Manager) 3. Internal Audit Work Programme 2017/18 (Corporate Governance Manager) 4. Annual Review of Business Continuity (Corporate Governance Manager) 5. Equality and Safeguarding Annual Update 6. Treasury Management – Half Yearly Update
<p>17 January 2017</p> <ol style="list-style-type: none"> 1. Certification of Claims and Returns – Annual Report 2015/16 (Ernst and Young) 2. Risk Management Progress Report (Corporate Governance Manager) 3. 2016-17 Interim Internal Audit Monitor (Corporate Governance Manager) 4. Annual Governance Statement Interim Review (Corporate Governance Manager)

11 October 2016

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of contract management arrangements		
Wards affected	Not applicable		

This report provides the Committee with an update on the Council's contract management arrangements

1. Decision(s) Required

- 1.1 To note the contents of this report.

2. Background

- 2.1 At its meeting on 28 June 2016, the Committee considered a report in relation to the Year End Internal Audit Assurance for 2015/16. The report detailed the results of internal audits carried out during that period. During the debate on this item further information was requested on the contract management process and it was agreed that a presentation to the Committee would be helpful.
- 2.2 The Council's procurement process is managed as part of the Governance Team within Corporate and Financial Management and is delivered by a specialised procurement business partner. In addition, further support is provided via the Essex Procurement Hub which enables additional specialised procurement advice to be delivered.
- 2.3 The Council's procurement processes are governed by EU Procurement Rules and the Public Procurement Regulations 2015, both of which are reflected in the Council's Contract Procedure Rules within the Constitution. The Council has extensive experience of managing a range of complicated contracts such as Grounds Maintenance and IT services.
- 2.4 A presentation will be made to the Committee by officers experienced in procurement and contract management to provide re-assurance to the Committee.

3. Strategic Plan References

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

4. Financial, Equality, Publicity, Diversity and Human Rights, Consultation, Community Safety, Health and Safety and Risk Management Implications

- 4.1 None.

11 October 2016

Report of	Assistant Chief Executive	Author	Hayley McGrath ☎ 01206 508902
Title	Health & Safety Policy 2016/17 & Annual Review		
Wards affected	Not Applicable		

This report requests the Committee to review the Health & Safety policy for 2016/17 and work undertaken for the period 01 September 2015 to 31 August 2016.

1. Decision(s) Required

- 1.1 The Committee is requested to:
- 1.2 Review and endorse the revised Health & Safety policy for 2016/17.
- 1.3 Consider and comment on the work undertaken during 2015/16

2. Reasons for decision

- 2.1 Whilst the Health & Safety policy does not form part of the formal policy framework, it is an integral part of the risk management process. As such it is appropriate to provide an annual report to the Governance and Audit Committee, to assist with the Committee's responsibility for reviewing the effectiveness of risk management.

3. Supporting Information

- 3.1 Colchester Borough Council has general duties under the Health and Safety at Work etc. Act 1974 and specific duties under the Management of Health and Safety at Work Regulations 1999, to ensure that employees, and others who may be affected, can work safely without risk to their safety or health.
- 3.2 Overall responsibility for Health & Safety rests with Cabinet but is primarily managed by the Executive Director – Customer Operations and Partnerships, along with the Corporate Health & Safety Officer and Designated Officers within services, who form the Health & Safety Committee.

4. Policy for 2016/17

- 4.1 The Health & Safety policy sets out the Council's commitment to managing health and safety risks and the individual responsibilities, at all levels of the organisation.
- 4.2 The policy is supported by a set of arrangements that detail what the Council will do in practice to achieve the aims set out in the health and safety policy.
- 4.3 Both of these documents have been attached at appendices 1 and 2 respectively.

5.0 Summary of 2015/16

- 5.1 The internal Health and Safety incident reporting process has been reviewed and updated. This is now a more intuitive on-line form that records near misses as well as incidents. It has been rolled out to all staff and has been well received. Regular summary reports from the system are provided to senior management.
- 5.2 Quarterly audits of services and arrangements have been established by the Corporate Health & Safety Officer for 2016. These have been completed for Bereavement Services, and are programmed for Lone Working Arrangements, Waste & Recycling Service and Corporate Building Management.
- 5.3 A review of the Violence and Aggression policy has been carried out with Parking Services. This has identified a clear process for managing violent or aggressive incidents including post incident support for officers.
- 5.4 A Health & Safety Training Matrix has been produced and agreed by senior management team. This sets out the requirements for training at all level of the organisation.
- 5.5 The Designated Officers have all achieved the IOSH Managing Safely qualification and further training is taking place in November for new Designated Officers and other nominated employees.
- 5.6 Emergency First Aid at Work training is taking place in September for new first aiders required across the Council and as a refresher for current first aiders.
- 5.7 Conflict Management training is taking place in September for Leisure World duty managers as part of improvements for managing violent and aggressive behaviour by customers.
- 5.8 The Construction (Design and Maintenance) Regulations 2015 changes placed more responsibilities on clients. Therefore a 'client duties checklist' has been produced to assist employees managing construction projects

6. Proposals

- 6.1 To review and endorse the revised Health & Safety policy for 2016/17 and consider and comment on the work undertaken during 2015/16.

7. Strategic Plan Implications

- 7.1 The failure to adequately identify and manage health and safety issues will affect the ability of the Council to achieve its strategic objectives.

8. Equality, Diversity and Human Rights Implications

- 8.1 Whilst there are no direct equality, diversity or Human Rights implications from this report, the Health & Safety process recognises the requirements of the legislation and controls have been implemented, including the completion of Equality Impact Assessments, to mitigate any impact.

9. Risk Management Implications

- 9.1 The failure to adequately identify and manage health and safety issues may have an effect on the ability of the Council to deliver effect services.

10. Other Standard References

- 10.1 There are no direct Publicity, Financial, Consultation, Community Safety or Health and Safety implications as a result of this report.

Health and Safety Arrangements

These health and safety arrangements detail what the Council will do in practice to achieve the aims set out in the health and safety policy and how we will eliminate or reduce the risks of hazards.

This document will assist managers fulfil their responsibilities set out in the health and safety policy by identifying key elements and providing guidance for practical management of health and safety.

Statutory requirements, Council requirements and industry best practice are identified within the arrangements; however these may not be exhaustive and only provide a generic guide to health and safety. Every service, location and activity is different so must be adapted to the relevant circumstances and additional risks and controls must be considered.

Carl Free, the Corporate Health and Safety Officer can be contacted for further health and safety advice on: 01206 506579 or carl.free@colchester.gov.uk

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1 Audit & Review

1.1 Audit

An audit is a structured and objective process of collecting information in order to assess whether the system for safety management is working effectively.

All procedures are audited on an annual basis by the Health and Safety Officer. In addition, they also carry out a quarterly audit of all council premises. An action plan is then produced and handed to the Manager for that building/area. Reports on all audits are presented at the health and safety committee.

1.2 Review

Reviews are necessary to ensure that policies and procedures are kept up to date. We review these whenever any of the following circumstances occur:

- Changes in legislation
- Changes to work processes
- On the introduction of new equipment
- Where there are changes to personnel
- After an incident

If none of the above occur, then all policies and procedures are reviewed and updated on an annual basis.

3 Employee Consultation

Colchester Borough Council recognises its duties under The Health and Safety (Consultation with Employees) Regulations 1996 and the Safety Representatives and Safety Committees Regulations 1977.

It is the policy of Colchester Borough Council to consult with all employees over health and safety matters. We will provide all new employees with a copy of this Health and Safety Policy during their induction and publish it on the staff intranet known as 'The Hub'.

There is a health and safety committee within the Council which sits on a quarterly basis and is attended by staff and union representatives. Information is then disseminated to staff through the Designated Officers for Health and Safety. In addition, committee minutes are published on The Hub.

If we intend to make any changes to processes, procedures or equipment that may affect the health and safety of employees and contractors, we will consult with them before doing so.

We operate an open door policy with regards to reporting any concerns or suggestions for improvement and actively encourage this within the Council. Where an employee has made a comment regarding the health and safety of the company, the Health and Safety Officer will investigate and action accordingly.

4 Employee Welfare

4.1 Facilities

The Workplace (Health, Safety and Welfare) Regulations 1992 require that suitable welfare facilities are in place for employees. We provide and maintain the following for our staff:

- Toilets with hand washing facilities that have running hot/warm water
- Canteen areas with rest facilities and a means of preparing food
- Storage facilities for belongings where practicable.
- A supply of wholesome drinking water

Local arrangements are detailed during initial inductions to the Council.

4.2 Drug and Alcohol Policy

We are committed to providing a safe and healthy working environment for our staff and others. If staff are prescribed medication that may affect their ability to work safely, they should report this to their Manager. The Council's Drug and Alcohol Policy is available within the Human Resources section on The Hub. Additional information is provided in the Disciplinary Rules and Procedures.

4.3 Smoking

The company prohibits smoking in all workplaces including company vehicles and client premises. More information for employees is contained within the Smoking Policy within the Human Resources section on The Hub. Local arrangements are explained during induction.

4.4 Occupational Stress

We recognise that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stress. We will monitor the workload and working hours of employees to ensure that they do not become overloaded.

We encourage all employees to discuss any issues that are concerning them. The Council has a Stress Policy which is published on The Hub and all employees are encouraged to report any concerns of stress.

There is information for Managers on The Hub which can help them to identify signs of occupational stress so that they can act accordingly.

The Council runs an Employee Assistance Programme through Workplace Options who offer personal support and advice on wellbeing, family matters, relationships, debt management, workplace issues, consumer rights etc. All employees are encouraged to use this service which is free of charge.

4.5 Violence, Discrimination and Harassment

Workplace violence is defined as verbal and physical abuse, including threatening behaviour and assault. This can occur amongst staff or between staff and customers. The Council has a Bullying and Harassment Policy that is published on The Hub.

The Council condemns all forms of discrimination and harassment and will not tolerate such acts. Disciplinary action will be taken should this occur within the workplace and all concerns should be reported immediately to Managers or Supervisors.

Due to the work carried out, we recognise that employees may at times encounter members of the public who act aggressively towards them. Whilst we take precautions and train our staff to diffuse these situations, unfortunately, they can occur. If a potentially violent incident occurs we ask employees to complete our electronic incident report form so that we can monitor and investigate such incidents accordingly. Once investigated, the manager will then ensure that a suitable resolution is implemented in order to support the member of staff concerned.

We also operate a Cautionary Contact Register (CCR) which contains the details of all members of the public who have behaved in a threatening manner towards Council employees. If employees encounter an individual who behaves in such a manner, they are advised to complete a Cautionary Contact Incident Report Form. This form is then reviewed at management level with the Health and Safety Officer to decide whether details of the individual concerned should be entered onto the CCR following a process as described in the standard for the Cautionary Contact Register CCR.

4.6 Lone Working

Lone working is discouraged wherever possible, but due to the services we carry out, we recognise that this is not always avoidable. As we have many members of staff who work remotely or are mobile, we operate a worker protection scheme, CRISYS.

There is detailed information on how the CRISYS system works and employees are encouraged to use this when working alone. There is also guidance for Managers on how to ensure that staff within their area are safe.

In addition, the Council also has a standard which details the process for working safely when alone. A generic Lone Working risk assessment has also been carried out. This is available on The Hub for Managers to use and make specific for their team.

4.7 Personal Protective Equipment

Where a risk assessment has identified that PPE is necessary as the last resort to further control an identified hazard, this will be provided free of charge to all employees.

It is the Manager's responsibility to ensure that PPE is issued to all staff members who require it. They must also ensure that the person knows how to use and store this correctly as well as the procedure for reporting defects.

When defects are reported, the Manager needs to ensure that PPE is repaired or replaced before the employee needs it again.

Employees are reminded to use all PPE as instructed and not to interfere with any provisions that have been made with respect to health and safety.

5 Risk Control

5.1 Risk Assessment

Regulation 3 of the Management of Health and Safety at Work Regulations 1999 requires that employers carry out an assessment of reasonably foreseeable risks that may be faced by employees and anyone else affected by their activities.

The Health and Safety Officer has produced a bank of generic risk assessments which Managers and Health and Safety Co-ordinators can then use to make specific for particular tasks. These are published on The Hub along with a blank template which can be downloaded and completed as appropriate.

Following this process, appropriate control measures are then put in place to reduce risks as far as reasonably practicable. We apply control measures in line with the generally accepted hierarchy of control:

Eliminate → Reduce → Isolate → Control → PPE → Discipline

COSHH assessments are carried out for all hazardous substances used in the workplace. Assessments of typical hazardous substances are published on The Hub for Managers to use and amend for their needs.

Fire Risk Assessments are carried out for each Council owned building. A copy of each is held centrally and also at the site concerned.

It is our policy to communicate relevant risk assessments to all employees during their initial induction and at regular intervals. We also communicate any changes that have been made following a review.

Unless any changes occur to the processes, machinery used, people carrying out the work, or following an incident, we review our risk assessments on an annual basis to ensure that they remain relevant.

5.2 Hot Work Permits

Where work is carried out that creates a source of ignition, a hot work permit is required. This is to give the worker permission to carry out the work providing necessary precautions are taken.

Fire watches are required in line with the permit. Permits should only be cancelled by an authorised person after they are satisfied that all the conditions are met.

The necessary precautions are described on our standard permit which is available on The Hub.

5.3 Method Statements

Where a risk assessment shows that risks can be reduced further if a set way of working is in place, a method statement will be written by the relevant Manager or Health and Safety Co-ordinator.

This document sets out a step by step approach to the task and must be followed in order to ensure that a task is carried out in a safe manner.

Examples method statements are available on The Hub as a guide for Managers needing to complete these for the tasks that workers carry out.

6 Induction and Training

6.1 Inductions

All new employees are given a company induction which includes the following:

- Health and safety information;
- Emergencies and fire arrangements;
- Welfare facilities and first aid;
- Accidents and hazard reporting;
- Risk assessments and training;
- Work prohibitions; and
- Personal protective equipment.

6.2 Training

Training for Health and Safety Co-ordinators is provided by the Health and Safety Officer.

The e-learning portal on The Hub also provides additional training that employees are encouraged to complete.

6.3 Supervision

All new employees are supervised when they first join the Council. Ongoing supervision is then carried out by Managers and Supervisors as appropriate.

7 Accident and Incident Reporting and Investigation

As required under the Reporting of Incidents and Diseases and Dangerous Occurrences Regulations 2013 (as amended), once an accident has been reported we will:

- Provide first aid if qualified to do so
- Call the emergency services if required
- Ensure that the area is undisturbed to allow an investigation to be carried out

We operate an online reporting system which employees are encouraged to complete as soon as possible after the event and no more than 5 days after its occurrence.

If the injury is serious or fatal, then the HSE will be notified by telephone on: 0845 300 9923.

If the accident results in an over 7 day incapacitation (not including the day of the accident), the Health and Safety Officer will report this to the HSE using the correct form at www.hse.gov.uk/riddor

If the accident results in 3 days absent from work, we will keep a record of this, but are not obliged to report this to the HSE.

The Health and Safety Officer will monitor reported incidents to identify trends and report matters to SMT on a regular basis. Where relevant, we will implement an action plan to make necessary changes to prevent recurrence, review the risk assessments and control measures as appropriate.

We actively encourage all staff to report all near misses in the workplace as this will allow us to investigate and see where improvements can be made before future accidents occur.

8 Emergency Arrangements

8.1 Fire Procedures

The Chief Executive recognises his duties as overall Responsible Person for Colchester Borough Council under the Regulatory Reform (Fire Safety) Order 2005.

A fire risk assessment has been carried out for all Council- owned premises. These are held at each site within the Fire Log Book. We carry out a review of these whenever any significant changes are made to building layouts or processes carried out in them. If neither occurs, they will be reviewed annually.

All fire protection measures are inspected and serviced in line with regulatory requirements. This is managed at each premises by the Health and Safety Co-ordinator or respective Manager for the site.

Our emergency arrangements are made known to our employees during induction and are displayed at conspicuous places throughout each place of work. This information is also communicated to all contractors and visitors to our buildings.

We have designated incident controllers and fire marshalls for each of our sites. These people are trained to carry out this role and we carry out fire drills on a regular basis to ensure that the arrangements remain effective.

8.2 First Aid

Colchester Borough Council recognises its duties under the First Aid Regulations 1981 to supply adequate and appropriate first aid equipment, facilities and people to assist in an emergency. Each place of work has dedicated first aiders. Their details are included in the inductions carried out for all new starters. Should this person change, updated information will be communicated as appropriate.

The Health and Safety Co-ordinators for each site are responsible for monitoring and re-stocking first aid supplies. Employees are encouraged to inform them if stocks need replenishing.

9 Workplace Safety

Colchester Borough Council recognises our duty to ensure that the workplace is safe for our employees and anyone else who may visit our premises or use our services. This includes the equipment that we supply to employees as well as the environment in which they work.

9.1 Electrical Equipment

The Electricity at Work Regulations 1989 requires that all portable electrical equipment is checked at regular intervals. We encourage all staff to check electrical equipment before use and to take out of service and report any defective equipment.

We will ensure that all portable electrical equipment is maintained along the following guidelines, as suggested by the Health and Safety Executive:

Equipment	User Check	Formal Visual Inspection	Combined Inspection and Testing
Battery operated items less than 40 volts	No	No	No
Low voltage items such as telephone equipment	No	No	No
Display screens Desk top computers	No	Yes: 2 – 4 years	No if double insulated, otherwise up to 5 years
Photocopiers Fax machines (not hand held & rarely moved)	No	Yes: 2 – 4 years	No if double insulated, otherwise up to 5 years
Class II Double insulated equipment: Fans Table Lamps (not hand held & moved occasionally)	No	Yes: 2 – 4 years	No
Class II Double insulated equipment: Floor Cleaners Hand held & mobile	Yes	Yes: 6 months – 1 year	No
Class I earthed equipment: Kettles Kitchen equipment Irons	Yes	Yes: 6 months – 1 year	Yes, 1 – 2 years
Cables, leads & plugs connected to the above equipment Mains voltage extension leads Battery charging equipment	Yes	Yes: 6 months – 4 years dependant on the type of equipment it is connected to	Yes, 1 – 5 years depending on the type of equipment it is connected to

9.2 Workstations and Display Screen Equipment

As required under the Health and Safety (Display Screen Equipment) Regulations 1992, we carry out a risk assessment for users of display screen equipment. A copy of this is published on The Hub along with a standard that explains the process.

When any new member of staff starts work at the Council, they are asked to carry out a DSE/Workstation assessment with their Supervisor/ Manager. If there are any further concerns, they are encouraged to discuss these with the Health and Safety Officer.

We encourage all users to take regular breaks, such as 5 minutes every 30 minutes or a 30 second micro break every 10 minutes.

As the Council operates mobile 'hot desk' working, all employees are encouraged to take a few minutes at the start of each day to ensure that they have set their workstation up correctly.

The ongoing management of DSE and workstations is the responsibility of the employee and their Manager. If necessary the matter will be referred to Occupational Health. In addition, where employees have consulted a medical professional who has confirmed that there is a need for a formal assessment and potentially specially made equipment, this matter will be referred to the Health and Safety Officer.

9.3 Work Equipment

In line with the requirements of the Provision and Use of Work Equipment Regulations 1998, all equipment used in the workplace will be selected for its suitability for the tasks required and will be used and maintained in accordance with the manufacturer's instructions.

Generic risk assessments have been carried out for equipment used in the workplace which are published on The Hub as a guide for Managers to make specific to individual needs.

Users are required to carry out a visual check before using any equipment. Where they have concerns over the safety of the equipment, they are to report this immediately to their Manager or Supervisor and take the equipment out of circulation until it has been assessed.

Where any work equipment is hired, we will ensure that this is accompanied by the relevant inspection records to show that it is safe to use.

9.4 Noise and Vibration

We recognise that some equipment used by employees creates noise and vibration which needs to be controlled. Employees are given instruction on the correct use of machinery to reduce noise emissions and are provided with the information gained from risk assessments.

Where the risk assessments identify that PPE is required to further reduce risk, we provide employees with the necessary items and will monitor the use. We encourage employees to raise any concerns they may have about using this type of equipment and will investigate this accordingly.

9.5 Work at Height

Council employees may have to work at height in their activities. They are required to work in accordance with our risk assessments and to use all access equipment in accordance with the training that they have been given.

All access equipment owned by the Council is inspected as required to ensure it is fit for purpose. Anyone using a ladder is required to visually check it for any damage before use. If damage is found they are to take this out of use, label it accordingly and report this to their Manager or Supervisor.

9.6 Manual Handling

Employees are encouraged to avoid manual handling wherever possible by using lifting and carrying aids when moving goods. Where manual handling cannot be avoided employees should do this as a two person operation.

A generic manual handling risk assessment has been produced and is published on The Hub for use by Managers to update with the activities of their staff.

9.7 Housekeeping

We encourage all employees to maintain a clean working area and to keep all walkways free from belongings and other items. Bins are provided for all rubbish and employees are encouraged to regularly clear their work areas.

We endeavour to keep all external routes clear and to dispose of rubbish in the appropriate manner.

10 Company Vehicles

The Council publishes a Vehicle User's Handbook which incorporates the Driving for Work Policy. In addition, it provides guidance for those employees who operate a Council owned vehicle.

The Council has a Fleet Working Group which meets on a regular basis to discuss the way in which vehicles are operated throughout the Council.

We ensure that all our vehicles are insured, taxed and have a valid MOT where applicable.

It is standard policy for all drivers to have a break of 45 minutes when driving for any 4.5 hour period.

All new staff should provide their driving licence and the Council will ask to see this on an annual basis. Staff are required to present their driving licence should anything change within this interval. Any employees who drive company vehicles should report any situations which may have an effect on their ability to drive, such as the use of medication that causes drowsiness.

11 Hazardous Substances

We recognise our duties under relevant legislation and have the following procedures in place to satisfy the requirements:

11.1 Asbestos

The majority of asbestos within Council owned buildings was removed as part of an initiative in 2004.

Where this has been left in situ, it has undergone an asbestos management survey from which an asbestos register has been developed. A management survey assesses the condition of any remaining asbestos for normal occupation of the building. Any contractors who arrive to carry out work in our buildings are required to read the register which is held at reception for individual premises and sign to confirm that they understand where asbestos is located. Before any work is carried out that affects the fabric of a building, a refurbishment and demolition survey is carried out which identifies the exact location so that it can be dealt with appropriately.

11.2 Substances Hazardous to Health

The Control of Substances Hazardous to Health 2002 requires employers to make assessments of the risk to the health and safety of employees when using hazardous substances.

COSHH assessments are carried out for all hazardous substances used in the workplace. Assessments of typical hazardous substances are published on The Hub for Managers to use and amend to the specific requirements for their members of staff.

11.3 Biological Hazards

Due to the work carried out by some of our employees, it is likely that at some point they may come into contact with biological hazards. The principal identified hazards being bird droppings, discarded needles, rats and animal faeces. These matters are taken into consideration when risk assessments are carried out by the relevant managers and appropriate personal protective equipment is issued where required.

11.4 Legionella

Legionella is managed in all corporate buildings by Colchester Borough Homes. All buildings have been subject to a water hygiene risk assessment and have a scheme for control in place.



Health & Safety Policy 2016/17

August 2016

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1. INTRODUCTION

This policy sets out our commitment to the health, safety and wellbeing of those working for Colchester Borough Council and anyone else who interacts with the services that we provide.

As an employer, we are aware of our general duties under the Health and Safety at Work etc. Act 1974 and our specific duties under the Management of Health and Safety at Work Regulations 1999. Where additional legislation relates to the activities that we are carrying out we will also ensure that our duties are fulfilled and our employees and others who may be affected can work safely without risk to their safety or health.

We will monitor and review this policy and associated documentation as necessary, at least every three years, unless any significant changes occur in the meantime.

“Colchester Borough Council is committed to the health, safety and wellbeing of its employees, customers and anyone who interacts with our services. We strive to create an environment in which our employees feel that their health, safety and wellbeing is integral to the organisation. We encourage everyone to be part of this positive culture so that we can continue to improve our standards throughout the organisation.”

2. STATEMENT

Colchester Borough Council is fully committed to complying with its statutory duties under the Health and Safety at Work etc. Act 1974 and associated legislation. The Council values the health, safety and wellbeing of its employees and will take all reasonably practicable measures to ensure a safe and healthy working environment for all employees, contractors, the public and others that may be affected by its activities.

The Council recognises that good health, safety and wellbeing is integral to our organisational and business performance and our service delivery decisions will always consider the impact on health, safety and wellbeing. This will help to deliver the Council's philosophy of a positive safety culture.

The Council will maintain an appropriate health and safety management system and organisation structure to support its statutory duties. We will:

- Assess risks and put adequate control measures in place
- Consult with employees on matters affecting their health and safety
- Provide and maintain a safe place of work with safe plant, equipment and personal protective equipment
- Ensure safe use, handling and storage of substances
- Provide information, instruction, training and supervision for employees to ensure that they are competent to carry out their tasks
- Prevent incidents, injuries and cases of work-related ill-health
- Maintain safe and healthy working conditions

All employees are required to follow this health and safety policy at all times and adhere to their own statutory requirements. We encourage any comments over health and safety in the workplace and will actively seek to rectify any areas of concern.

All contractors and others employed by Colchester Borough Council to perform work or provide service are required to maintain health and safety standards in accordance with this policy.

The effectiveness of this policy will be monitored and reviewed as necessary, at least every three years or when circumstances otherwise dictate.



Councillor Paul Smith
Leader of the Council

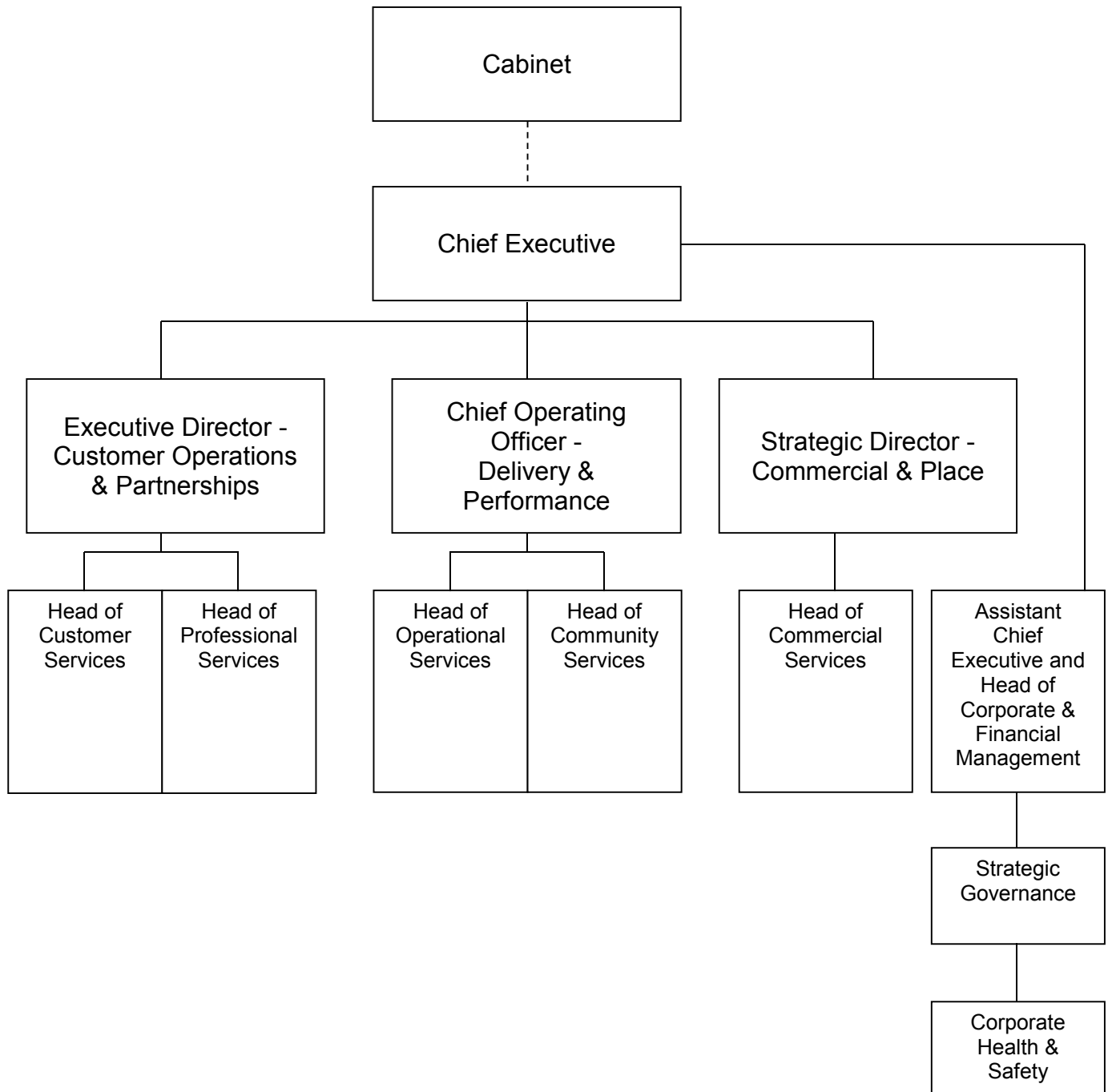
04 July 2016



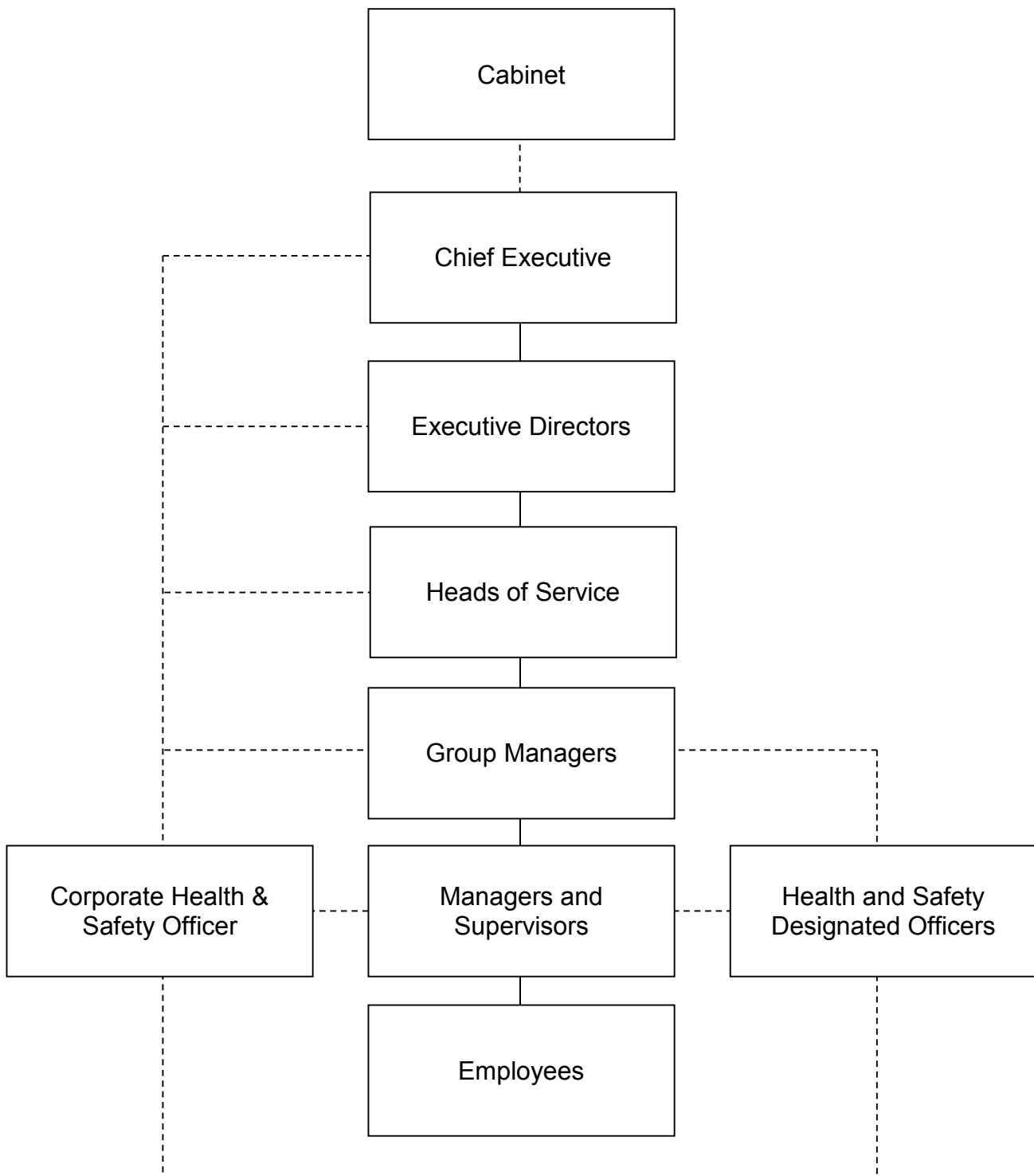
Adrian Pritchard
Chief Executive

3. ORGANISATION

3.1 Organisation Structure



3.2 Organisation Health and Safety Responsibilities



4. RESPONSIBILITIES

4.0 Leader of the Council and Cabinet

The Leader of the Council has the responsibility for the management and monitoring of health and safety provision across the whole of the Councils' undertakings. Cabinet are jointly and severally the primary duty holders for health and safety across the Councils' undertakings.

1. Ensure that adequate financial and other resources are provided, so that the health and safety policy can achieve its aims.
2. Give due regard to requests from the Chief Executive for financial and other resources to meet statutory duties and other obligations regarding health and safety management.
3. Ensure that the Chief Executive has in place an effective health and safety policy and management system, which will ensure that all health and safety hazards and risks within the Council are adequately controlled.
4. Require the Chief Executive to be able to confirm, during the reporting period; health and safety performance, any major incidents or failure in the health and safety management system, accident history and key improvements to health and safety that have been implemented.

4.1 Chief Executive

1. Overall responsibility for health and safety throughout the Council.
2. Support other duty holders to fulfil their health and safety responsibilities.
3. Preparation of an effective health and safety policy statement, organisation for carrying out that policy, measures for ensuring that it is implemented and communicated to all employees.
4. Ensure that this health and safety policy is reviewed, at least every three years or when circumstances otherwise dictate.
5. Ensure that health and safety is given an appropriately high priority and is not compromised, so putting employees or other persons at risk to their health and safety.
6. Ensure that the Executive Directors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
7. Ensure that the Executive Directors implement the policy through effective local arrangements and suitable monitoring arrangements.
8. Ensure that adequate financial and other resources are available to meet statutory duties and requirements of this health and safety policy.
9. Ensure that the Council has appointed a competent Corporate Health and Safety Officer for the purpose of advising on meeting its statutory duties and for advising and monitoring on health and safety.
10. Fulfil the responsibilities of the Executive Directors if services are under their direct management.
11. Set a personal example at all times with respect to health and safety.

4.2 Executive Director (with Responsibility for Health and Safety)

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Chief Executive for health and safety within all Services.
3. Ensure that their Heads of Service are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Provide leadership on health and safety and support and promote continuous improvement programmes.
5. Lead the provision and function of the health and safety committee.
6. Monitor health and safety performance at Executive Management Team through quarterly updates, an annual review and ensuring health and safety is an agenda item.
7. Ensure that there is sufficient financial or other resource for effective health and safety management and identify any short falls in resources that may negatively impact health and safety.
8. Provide support to the Corporate Health and Safety Officer and Health and Safety Designated Officers.
9. Ensure that if any serious health and safety occurrence or failure in health and safety occurs, the relevant person/s are held accountable for any deficiency in fulfilling their responsibilities under the health and safety policy and will be required to demonstrate to the Executive Management Team, remedial actions have been implemented to prevent a similar reoccurrence.
10. Set a personal example at all times with respect to health and safety.

4.3 Executive Directors

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Chief Executive for health and safety within their Services.
3. Ensure that their Heads of Service are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Support and promote health and safety continuous improvement programmes.
5. Support the provision and function of the health and safety committee.
6. Monitor health and safety performance at Executive Management Team through quarterly updates, an annual review and ensuring health and safety is an agenda item.
7. Ensure that there is sufficient financial or other resource for effective health and safety management and identify any short falls in resources that may impact health and safety.
8. Ensure that if any serious health and safety occurrence or failure in health and safety occurs, the relevant person/s are held accountable for any deficiency in fulfilling their responsibilities under the health and safety policy and will be required to demonstrate to the Executive Management Team, remedial actions have been implemented to prevent a similar reoccurrence.
9. Set a personal example at all times with respect to health and safety.

4.4 Heads of Service

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Chief Executive or Executive Director (as appropriate) for health and safety within their Services.
3. Ensure that their Group Managers are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Support the development, modification and delivery of a health and safety management system and ensure local process compliance.
5. Support and promote health and safety continuous improvement programmes.
6. Monitor and review health and safety processes and performance in their Services, and include appropriate health and safety actions within relevant strategies and business plans.
7. Ensure that there is sufficient financial or other resource for effective health and safety management and identify any short falls in resources that may impact health and safety.
8. Identify health and safety training needs for their Service and ensure this follows the health and safety training matrix and is in line with the Council and legislative requirements.
9. Ensure that their Group Managers have suitable and sufficient risk assessments in place to eliminate or control and reduce risks to acceptable levels including those required under relevant statutory provisions and ensure these are supported by method statements where required.
10. Ensure that for any premises under their direct control and management, adequate arrangements are in place for fire safety management and supported by a suitable and sufficient fire risk assessment completed by a competent person.
11. Ensure there is a process to employ competent contractors with the correct skills, knowledge, attitude, training and experience.
12. Ensure that all materials, plant, vehicles, equipment and personal protective equipment procured for use comply with legislation, commercial and any other specific standards which ensure that it is safe and without risk to health when used correctly.
13. Support the carrying out of regular health and safety audits and inspections and ensure the outcomes of these are completed within the agreed timescales.
14. Ensure that if any serious health and safety occurrence or failure in health and safety occurs, the relevant person/s are held accountable for any deficiency in fulfilling their responsibilities under the health and safety policy and will be required to demonstrate to the Executive Management Team, remedial actions have been implemented to prevent a similar reoccurrence.
15. Set a personal example at all times with respect to health and safety.

4.5 Group Managers

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Heads of Service for health and safety within their Services.
3. Ensure that their Managers and Supervisors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Ensure compliance with the local health and safety management system by assigning levels of responsibility to relevant competent persons as required.
5. Support and promote health and safety continuous improvement programmes.
6. Monitor and review health and safety processes and performance in their areas of remit and ensure regular health and safety audits and inspections are carried out and outcomes of these are completed within the agreed timescales.
7. Ensure suitable and sufficient risk assessments are in place to eliminate or control and reduce risks to acceptable levels including those required under relevant statutory provisions and ensure these are supported by method statements where required.
8. Ensure that all accidents, incidents and near misses that are work-related or happen on council premises are reported using the online incident report form as soon as possible and no more than 5 days after the accident or incident and an appropriate investigation takes place promptly with remedial actions implemented to prevent a similar occurrence.
9. Ensure that all employees within their group have appropriate information, instruction and training that follows the health and safety training matrix and is in line with the Council and legislative requirements.
10. Ensure that competent contractors with the correct skills, knowledge, attitude, training and experience are employed.
11. Set a personal example at all times with respect to health and safety.

The following may also apply to Group Managers, depending on their specific responsibilities:

12. Ensure that for any premises under their direct control and management, adequate arrangements are in place for fire safety management and supported by a suitable and sufficient fire risk assessment completed by a competent person.
13. Ensure that workplace welfare, housekeeping and general safety requirements are effectively managed.

14. Ensure that all materials, plant, vehicles, equipment and personal protective equipment procured for use comply with legislation, commercial and any other specific standards which ensure that it is safe and without risk to health when used correctly.
15. Ensure that all plant, vehicles and equipment is adequately maintained and subjected to statutory examinations where appropriate and relevant records are kept.
16. Ensure that all employees within their group are provided with the correct level of personal protective equipment as identified by risk assessments and that it is maintained or replaced when necessary.
17. Ensure that arrangements are implemented in respect to the requirements of the Construction (Design and Management) Regulations 2015.
18. Ensure arrangements are in place which require that health and safety aspects are specifically included and considered in contracts and that all contractors employed are competent. Monitor and review contractors' health and safety processes and performance.

4.6 Managers and Supervisors

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to their Group Manager for health and safety within their Services.
3. Read, understand and implement the requirements of the health and safety policy and health and safety management system.
4. Support and promote health and safety continuous improvement programmes and regularly communicate with employees on health and safety issues.
5. Monitor and review health and safety processes and performance in their areas, teams and premises and ensure regular health and safety audits and inspections are carried out and outcomes of these are completed within the agreed timescales.
6. Ensure that the requirements of risk assessments and method statements are implemented, in place during work and communicated to all employees within their team.
7. Ensure that all employees within their group have appropriate information, instruction and training that follows the health and safety training matrix and is in line with Council and legislative requirements.
8. Not to put any person at an unacceptable risk during the course of work and stop work where any new hazards are identified until the risk has been assessed and controlled and if required reduced to an acceptable level.
9. Ensure that all plant, vehicles and equipment are adequately maintained so it is safe for use and any defective plant, vehicles and equipment is withdraw from use immediately.
10. Ensure that all employees within their team have the correct level of personal protective equipment as identified by risk assessments and that it is maintained or replaced when necessary.
11. Receive, review and remedy any concerns in respect to health and safety. When concerns cannot be resolved at a local level, they shall be referred to the Group Manager and if still unresolved to the Corporate Health and Safety Officer.

4.7 Corporate Health and Safety Officer

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Review, develop and communicate the health and safety policy and management system in conjunction with other responsible duty holders.
3. Provide competent advice in relation to all health and safety matters and ensure duty holders are kept up-to-date on all relevant health and safety issues.
4. Ensure own competence is maintained through continual professional development.
5. Identify key health and safety training needs and advise on methods of implementation and delivery.
6. Provide a pro-active resource for the development and delivery of health and safety inspections and audits on an agreed programme basis.
7. Provide a reactive resource for the reporting, recording and investigating of accidents and incidents and provide statistical information to the health and safety committee.
8. Provide corporate safety initiatives and ensure there is a continual improvement programme for effective health and safety management and advise on the implementation of programmes.
9. Attend health and safety committee meetings and other relevant health and safety groups and provide guidance and advice where required.
10. Review the performance of health and safety within the Council as a whole, in conjunction with the Executive Management Team.
11. Provide a report to the Executive Management Team on a regular basis which details health and safety performance and update the Executive Director with health and safety responsibilities on all significant health and safety matters.
12. Ensure there is a continual improvement programme for effective health and safety management.
13. Provide a useful and relevant information service, with documents to assist others with their duties and ensure information is updated on a regular basis.
14. Communicate with and provide support, direction and guidance to Health and Safety Designated Officers and ensure they provide support on health and safety matters to duty holders within their area of remit in accordance with their responsibilities.
15. Support duty holders with enforcement agency requests for information, visits and inspections and if required, be the primary point of communication with relevant enforcement agencies.
16. Set a personal example at all times with respect to health and safety.

4.8 Designated Officers for Health and Safety

1. Support other duty holders within their areas of remit to fulfil their health and safety responsibilities.
2. Read, understand and implement requirements of the health and safety policy and health and safety management system.
3. Be the initial point of contact for health and safety guidance to colleagues and managers in their service area and refer to the Corporate Health and Safety Officer for advice and guidance as appropriate.
4. Support and promote health and safety continuous improvement programmes and regularly communicate with employees on health and safety issues, encouraging suggestions for improvement from colleagues and encourage them to report any health and safety concerns.
5. Attend all health and safety committee meetings or ensure that a suitable deputy attends if unavailable and prepare a report as required.
6. Support other duty holders ensuring that all employees within their responsibility have appropriate information, instruction and training that follows the health and safety training matrix and is in line with legislation.
7. Carry out health and safety review and monitoring as agreed with the Corporate Health and Safety Officer and ensure regular health and safety audits and inspections are carried out and outcomes of these are completed within the agreed timescales.
8. Set a personal example at all times and act as an ambassador with respect to health and safety.

Managers, at all levels, are responsible for the health and safety of their team - this cannot be delegated. However the Designated Officers are there to support and assist Managers with meeting their obligations.

4.9 Employees

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Read, understand and comply with the requirements of the health and safety policy and health and safety management system.
3. Take reasonable care of the health and safety of themselves and others who may be affected by their acts and or omissions.
4. Work safely at all times, in accordance with the information, instruction, training, risk assessments and method statements provided.
5. Use the correct plant, vehicles, equipment and materials for tasks and keep them in good condition and never use anything for which it is not intended or they are not trained or competent to use.
6. Comply with all safety control measures appropriately, including any personal protective equipment issued and never intentionally or recklessly interfere with or misuse anything provided in the interest of health and safety.
7. Attend and participate in all training provided in the interest of health and safety.
8. Report immediately to their Manager or Supervisor any accidents, incidents, verbal abuse, near misses, occupational diseases and health and safety concerns, including defects to personal protective equipment, plant, vehicle, equipment and material, and any hazards or risks believed to be inadequately controlled.
9. Set a personal example at all times with respect to health and safety.

5. DOCUMENT INFORMATION

Title :	Health and Safety Policy
Status :	Final
Version :	5 - August 2016
Consultation :	SMT, Health and Safety Committee, Unison
Approved By :	SMT
Approval Date :	
EQIA :	Yes - web link is shown here
Review Frequency :	Every three years or if change occurs
Next Review :	August 2019

5.1 Document Control

Date	Version	Description	Sections Affected	Approved by
September 2015	1	Initial draft	All	
April 2016	2	Updated draft. Moved arrangements to separate document.	All except 1 & 2	
June 2016	3	Updated following SMT meeting.	4.0 and 4.9	SMT
July 2016	4	Final draft version - Signatures added	2	Leader of Council and Chief Executive
August 2016	5	Minor amendments following Unison consultation. Final version.	2, 4.1, 4.3, 4.4, 4.5,	Unison & Executive Director

11 October 2016

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Local Government Ombudsman – Annual Review 2015/2016		
Wards affected	Not applicable		

This report request the Committee to note the Local Government Ombudsman's Annual Review for 2015/2016

1. Decision Required

- 1.1 To note the contents of the Local Government Ombudsman's Annual Review Letter for 2015/2016.

2. Supporting Information

- 2.1 The Local Government Ombudsman issues an Annual Review Letter to each local authority. The Annual Review Letter for Colchester for the year ending 31 March 2016 is attached to this report at Appendix 1.
- 2.2 It is worth noting that anyone can choose to make a complaint to the Local Government Ombudsman. Accordingly, the number of complaints is not an indicator of performance or level of customer service. In most instances there was no case to answer. The Local Government Ombudsman will normally insist that the Council has the opportunity to resolve the complaint locally through its own complaints procedure before commencing its own investigation.
- 2.3 The contents of the Annual Review were reported to Cabinet on 7 September 2016 where the Cabinet noted the report

3. Key Headlines

- 3.1 There were no findings of maladministration against the Council and no formal reports were issued.
- 3.2 In 2015 /16 the Council received 243,775 customer contacts. The Local Government Ombudsman in the same period received 25 complaints and enquires in relation to how the Council had dealt with its customers. This is a reduction from the previous year's figure of 30.
- 3.3 The Local Government Ombudsman made 23 decisions. Of which:
 - 12 were referred back for local resolution,
(*Referred back to the Council to enable it to deal with the complaint via its own complaint procedures*)
 - 4 were closed after initial enquiries,
 - 3 advice given,
 - 2 incomplete or invalid,

- 1 not upheld,
- 1 upheld.

(The Local Government Ombudsman decided that the Council had been at fault in how it acted and the fault may or may not have caused injustice to the complainant, or where the Council accepted that it needed to remedy the complaint before the Local Government Ombudsman made a finding on fault. If the Local Government Ombudsman decided there was fault and it caused an injustice to the complainant, usually it will have recommended the Council take some action to address it).

- 3.4 The case which the Local Government Ombudsman upheld was in relation to a case where a landlord complained that the Council did not help them claim direct payments when their tenant was in arrears with rent. The Local Government Ombudsman found that the Council had not followed its processes and accordingly the Council was at fault. However the Council had remedied the fault by apologising to the landlord.

4. Financial Considerations

- 4.1 No direct implications other than mentioned in this report.

5. Strategic Plan References

- 5.1 The lessons learnt from complaints to the Local Government Ombudsman link in with our Strategic Plan aims to be efficient accessible, customer focused and always looking to improve. Having an effective complaints process helps us to achieve the Strategic Plan's themes of a vibrant, prosperous, thriving and welcoming Borough.

6. Equality, Diversity and Human Rights Implications

- 6.1 No direct implications.

7. Publicity Considerations

- 7.1 Details of the Annual Review Letter are published on the Local Government Ombudsman's website and will also be published on the Council's website.

8. Consultation, Community Safety, Health and Safety and Risk Management Implications

- 8.1 No direct implications.

21 July 2016

By email

Adrian Pritchard
Chief Executive
Colchester Borough Council

Dear Adrian Pritchard,

Annual Review Letter 2016

I write to you with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2016.

The enclosed tables present the number of complaints and enquiries received and the decisions we made about your authority during the period. I hope that this information will prove helpful in assessing your authority's performance in handling complaints.

Last year we provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year we are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

We provide a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us. In addition, we provide a compliance rate for implementing our recommendations to remedy a fault.

I want to emphasise that these statistics comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Effective accountability for devolved authorities

Local government is going through perhaps some of the biggest changes since the LGO was set up more than 40 years ago. The creation of combined authorities and an increase in the number of elected mayors will hugely affect the way local services are held to account. We have already started working with the early combined authorities to help develop principles for effective and accessible complaints systems.

We have also reviewed how we structure our casework teams to provide insight across the emerging combined authority structures. Responding to council feedback, this included reconfirming the Assistant Ombudsman responsible for relationship management with each authority, which we recently communicated to Link Officers through distribution of our manual for working with the LGO.

Supporting local scrutiny

Our corporate strategy is based upon the twin pillars of remedying injustice and improving local public services. The numbers in our annual report demonstrate that we continue to improve the quality of our service in achieving swift redress.

To measure our progress against the objective to improve local services, in March we issued a survey to all councils. I was encouraged to find that 98% of respondents believed that our investigations have had an impact on improving local public services. I am confident that the continued publication of our decisions (alongside an improved facility to browse for them on our website), focus reports on key themes and the data in these annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

The survey also demonstrated a significant proportion of councils are sharing the information we provide with elected members and scrutiny committees. I welcome this approach, and want to take this opportunity to encourage others to do so.

Complaint handling training

We recently refreshed our Effective Complaint Handling courses for local authorities and introduced a new course for independent care providers. We trained over 700 people last year and feedback shows a 96% increase in the number of participants who felt confident in dealing with complaints following the course. To find out more, visit www.lgo.org.uk/training.

Ombudsman reform

You will no doubt be aware that the government has announced the intention to produce draft legislation for the creation of a single ombudsman for public services in England. This is something we support, as it will provide the public with a clearer route to redress in an increasingly complex environment of public service delivery.

We will continue to support government in the realisation of the public service ombudsman, and are advising on the importance of maintaining our 40 years plus experience of working with local government and our understanding its unique accountability structures.

This will also be the last time I write with your annual review. My seven-year term of office as Local Government Ombudsman comes to an end in January 2017. The LGO has gone through extensive change since I took up post in 2010, becoming a much leaner and more focused organisation, and I am confident that it is well prepared for the challenges ahead.

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
1	3	2	0	3	2	6	8	0	25

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
2	3	12	4	1	1	50%	23

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate
0	0	100%

11 October 2016

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

This report requests the Committee to review the Council's updated Ethical Governance policies

1. Decision(s) Required

1.1 To review the following revised policies:

- Anti-Fraud and Corruption
- Whistleblowing
- Anti-Money Laundering
- Covert Surveillance
- Corporate Information Security
- Data Protection

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

2. Background

- 2.1 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 so as to protect public safety and public money.
- 2.2 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.
- 2.3 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.
- 2.4 At its meeting on 21 October 2015 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. The Ethical Governance policies were also adopted as part of the Council's policy framework.

3. Review of Ethical Governance Policies

- 3.1 The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Covert Surveillance, Corporate Information Security and Data Protection policies were last reviewed by this Committee at its meeting on 13 October 2015.
- 3.2 These policies have been reviewed to ensure that they remain fit for purpose and no changes are proposed to the policies.
- 3.3 The Covert Surveillance Policy has been updated with links to revised national guidance on its use. The Council has not sought any authorisations for the use of covert surveillance in the past year.
- 3.4 The Monitoring Officer writes an annually to both Members and Officers reminding them of their obligations regarding the Anti-Fraud and Corruption and Whistleblowing policies.

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 aims to set out the direction and future potential for our Borough.

5. Publicity Considerations

- 5.1 Amendments to the Council's ethical governance policies will be included in the Constitution and will be published on the Council's website.

6. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety and Risk Management Implications

- 6.1 None.

Anti-Fraud & Corruption Policy 2016/17

A guide to the Council's approach to preventing fraud and corruption and managing any suspected cases.
DRAFT for committee approval

October 2016

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ANTI-FRAUD & CORRUPTION POLICY

1.0 INTRODUCTION

Colchester Borough 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 practise 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 & Prevention
- Detection and Investigation
- Awareness & Monitoring

Fraud and corruption are defined as:-

Fraud – “the intentional distortion of financial statements or other records by persons internal or external to the authority, 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 allegation 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 & 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 National and Local Code of Conduct for Members, the Council's Constitution including Financial Regulations and Standing Orders 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 Strategic Finance Manager 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 & 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 tax payers.
- 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 Standing Orders 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 & Benefits computer system. 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 Standing Orders and Financial Regulations, 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 Procedure Rules 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 his/her 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 Ernst & Young 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 Audit Commission led National Fraud Initiative which is designed to cross match customers across authorities too 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 Standing Orders, 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 Ombudsman, HM Customs & Excise and the Inland Revenue. These bodies are important in highlighting any areas where improvements can be made.

5.0 DETECTION & 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 within its whistle blowing policies.

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 Authority. 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 Code of Conduct for Members then it will be dealt with in accordance with the Arrangement 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 Authority.

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 & 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 2016/17

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

October 2016

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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, Adrian Pritchard ☎ 282211

Monitoring Officer, Andrew Weavers ☎282213

Section 151 Officer, Sean Plummer ☎282347

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.

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 & 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) your local Citizens Advice Bureau
- (b) relevant professional bodies or regulatory organisations
- (c) the police
- (d) Local Government 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, Public Concern at Work, can offer independent and confidential advice. They can be contacted on ☎ 020 7404 6609 or by email at whistle@pcaw.co.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 on an annual basis.



Anti-Money Laundering Policy 2016/17.

A guide to the Council's anti-money laundering safeguards and reporting arrangements. DRAFT for committee approval

October 2016

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ANTI-MONEY LAUNDERING POLICY

1. Introduction

Although local authorities are not directly covered by the requirements of the Money Laundering Regulations 2007, guidance from CIPFA indicates that they should comply with the underlying spirit of the legislation and regulations.

Colchester Borough 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 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). He can be contacted on 01206 282213 or at andrew.weavers@colchester.gov.uk

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 Section 151 Officer.

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 Hub, must be submitted to the Money Laundering Reporting Officer.

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

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, available on the Hub. 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 directions he may give you. 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 e.g.:

- 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;

And 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 he 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 themselves.

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.



Code of Practice on Covert Surveillance 2016/17

A guide to the Council's approach to
the Regulation of Investigatory
Powers Act 2000. DRAFT for
Committee approval

October 2016

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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.

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 Office of Surveillance Commissioners' Procedures and Guidance in relation to covert surveillance by public authorities ("the Code"). This is available on the Home Office website:

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

The Home Office has also issued guidance ("the Guidance") on the judicial approval process for RIPA 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 yourself with the contents of the Code and the Guidance.

Other guidance is available on the Office of Surveillance Commissioners website:

(www.surveillancecommissioners.gov.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 Borough Council (including Colchester Borough Homes) will comply with the Act, the Code and the Guidance. 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.

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 should 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.

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 7.2)

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 (these officers are either Chief Officers, Assistant Chief Officers, Assistant Heads of Service, Service Managers or officers in charge of investigations)(“Authorising Officer”);

Chief Executive

Executive Directors

Assistant Chief Executive Corporate and Financial Management

Head of Commercial Services

Head of Community Services

Head of Customer Services

Head of Operational Services

Head of Professional Services

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 Guidance. 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 Guidance 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 harmful 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 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

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 at any time 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 TRAINING

The Council will endeavour to 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 Hub under One Council/ Corporate Governance/ Code of practice of covert surveillance.

10.0 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.

11.0 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 Guidance;
- engagement with the Office of the Surveillance Commissioners 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.
- that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of the Surveillance Commissioners.

12.0 COMPLAINTS

The Act, the Code and the Guidance are subject to monitoring by the Office of the Surveillance Commissioners. 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

13.0 QUERIES ABOUT THIS CODE OF PRACTICE

Any queries regarding this Code of Practice should be referred to the Monitoring Officer, Andrew Weavers on ☎ 2213 or by email at andrew.weavers@colchester.gov.uk



Done Once, Shared By Many

Corporate Information Security Policy

A guide to the Council's approach to safeguarding information resources.

September 2015

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1. Introduction

Information resources are vital to Colchester Borough Council in the delivery of services to residents, businesses and visitors. Their availability, integrity, security and confidentiality are essential to maintain service levels, legal compliance and the public perception of the Council.

It is important that citizens are able to trust the Council to act appropriately when obtaining and holding information and when using the authority's facilities. It is also important that information owned by other organisations which is made available to the Council under secondary disclosure agreements is treated appropriately.

Any public authority which uses or provides information resources has a responsibility to maintain and safeguard them, and comply with the laws governing the processing and use of information and communications technology.

The Chief Executive has ultimate responsibility and endorses the adoption and implementation of this Information Security Policy. Delegated responsibilities are set out in section 6 and rest with Corporate ICT with regard to the maintenance and review of the Corporate Information Security policy, Conditions of Acceptable Use and Personal Commitment Statements as well as local policies.

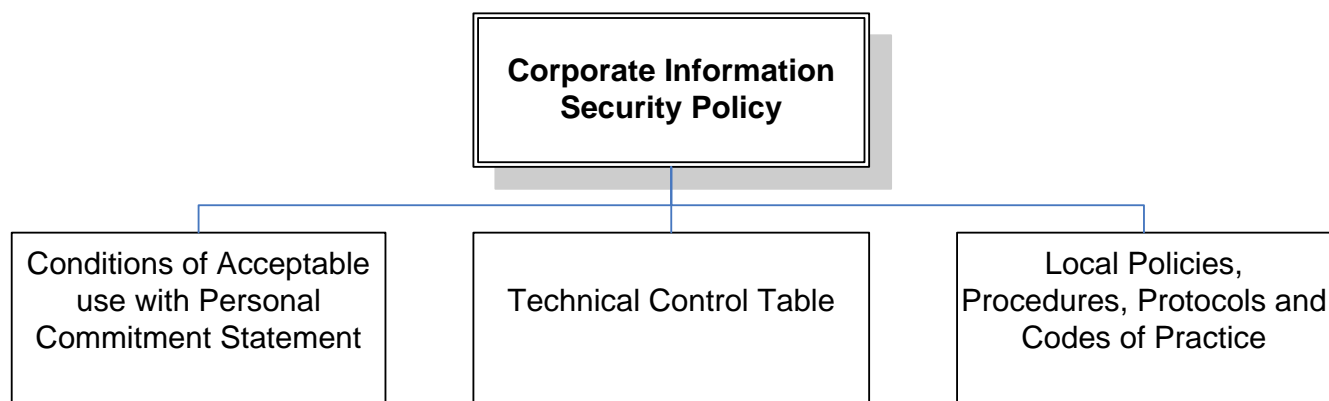
This policy is designed to provide an appropriate level of protection to the information for which the Council is responsible. Supporting this policy is a set of information security technical controls which form the minimum standard that an Essex OnLine partner has to comply with. Individual organisations can strengthen these policies through local policies and procedures, but cannot weaken them.

It is unacceptable for Colchester Borough Council information resources to be used to perform unethical or unlawful acts.

The key aspects of this policy and all associated policies have been developed in accordance with the British Standard for Information security BS7799 – 3:2006 which is harmonised with ISO/IEC 27001:2005.

This Corporate Information Security Policy is supported by further policies, procedures, standards and guidelines. In addition to Council policy, users who are granted access to information owned by other organisations will be subject to the policy requirements of the information owners. Details of these policies will be provided before access is granted.

2. Information Security Framework



3. Objectives

The objectives of the Corporate Information Security Policy are to ensure that:

- All users are aware of these policy statements and associated legal and regulatory requirements and of their responsibilities in relation to Information Security.
- All Council property, including equipment and information, is appropriately protected.
- The availability, integrity and confidentiality of Council information are maintained.
- A high level of awareness exists of the need to comply with Information Security measures.
- Unauthorised access to software and information is prevented.
- The risk of the misuse of email services is reduced.
- The network and network resources are protected from unauthorised access.
- Guidance is provided on handling information of each classification in different circumstances and locations including creation, modification or processing, storage, communication, retention and deletion, disposal or destruction.
- Unwanted incidents such as virus infections, deliberate intrusion and attempted information theft are managed.
- Any unauthorised access, damage and interference to business premises, Information and Information Technology is prevented.

4. Audience

The audience for this policy is for any employee, elected member, agency worker, third party organisation or other authorised personnel. Stakeholders are entitled to view the policy.

5. Legal and regulatory obligations

Colchester Borough Council will comply with all relevant legislation affecting the use of information and communication technology. All users must be made aware of and comply with current legislation as they may be held personally responsible for any breach.

A list of key legislation and regulations, with a brief description of each, and a reference to who in the organisation can provide further information can be found in Appendix A.

6. Roles and Responsibilities

• Accountable Officer

The Chief Executive Officer for Colchester Borough Council is ultimately responsible for ensuring that all information is appropriately protected.

• Information Security Management Group

This policy has been written by the Essex OnLine Partnership, additional policies, procedures and standards are written by Corporate ICT at Colchester. Corporate ICT are responsible for reviews and approval of Security Policies, which are reviewed and re-issued each year. They are also responsible for approving and overseeing all information security related projects and initiatives. Colchester Borough Council appoints a Senior Information Risk Owner (SIRO) to ensure there is accountability.

The SIRO must provide written judgement of the security and use of the business assets at least annually to support the audit process and provide advice to the Accountable Officer on the content of their statement of internal control.

• Information Security Management

This function is fulfilled within the Corporate ICT team who are responsible for the day to day management of information security activities, and for responding to Information Security Incidents. The Head of Security is the ICT Manager.

• SIRO (Senior Information Risk Owner)

The SIRO

- Is the officer who is ultimately accountable for the assurance of information security at the Council
- Champions information security at executive management team level
- Owns the corporate information security policy
- Provides an annual statement of the security of information assets (as part of the audit process)
- Receives strategic information risk management training at least once a year

The SIRO is not concerned solely with IT but takes a broader view of our information assets as a whole, in any form.

- **Risk Manager**

The Risk Manager is responsible for the evaluation of the organisation's exposure to risk and controlling these exposures through such means as mitigation, avoidance, management or transference. This role is held by the Corporate ICT team for ICT risks.

- **Information Owners (also referred to as Information Asset Owners)**

The role of Information Asset Owners is to understand what information is held and in what form, how it is added and removed, who had access, and why. They are tasked with ensuring the best use is made of information, and receive and respond to requests about it.

They are responsible for:

- Assessing the risks to the information and data for which they are responsible in accordance with the Risk Management Methodology of the Council.
- Defining the appropriate protection of their information taking into consideration the sensitivity and value of the information.
- Defining the value of information, and identifying the risks associated with the information, so they must classify their information, and define the controls for its protection.

- **Directors, Heads of Service and Line Managers**

Managers are responsible for:

- Ensuring that their employees are fully conversant with this Policy and all associated Policies, Standards, Procedures, Guidelines and relevant legislation, and are aware of the consequences of non-compliance.
- Developing procedures, processes and practices which comply with this Policy for use in their business areas.
- Ensuring that all external agents and third parties acting on behalf of their business area are aware of their requirement to comply.
- Ensuring that when requesting or authorising access for their staff, they comply with the standards and procedures defined by the Information Owners.
- Notifying the Head of Security of any suspected or actual breaches or perceived weaknesses of information security.

- **Employees**

Staff are responsible for:

- Ensuring that they conduct their business in accordance with this Policy and all applicable supporting policies.
- Familiarising themselves with this Policy, and all applicable supporting Policies, Procedures, Standards and Guidelines.
- Responsible for reporting any actual or suspected Information Security Incidents or Problems and assisting with their resolution.

Employees responsible for management of third parties must ensure that the third parties are contractually obliged to comply with this Policy.

• Users of Systems and Information

Those who are granted access to Information and information systems must:

- Only access systems and information, including reports and paper documents, to which they are authorised.
- Use systems and information only for the purposes for which they have been authorised.
- Comply with all applicable legislation and regulations.
- Comply with the controls defined by the Information Owner.
- Comply with all Council Policies, Standards, Procedures and Guidelines, and the policies and requirements of other organisations when granted access to their information.
- Not disclose confidential or sensitive information to anyone without the permission of the Information Owner and ensure that sensitive information is protected from view by unauthorised individuals including other people in the same building or location.
- Ensure that, if working from home, adequate physical and other security measures are in place in their homes to prevent any unauthorised access to CBC equipment or information.
- Keep their passwords secret and not allow anyone else to use their account to gain access to any system or information.
- Notify Corporate ICT of any actual or suspected breach of Information Security or of any perceived weakness in the organisation's Security Policies, Procedures, Practices, Process or infrastructure in accordance with the Incident Reporting and Management Procedure.
- Protect Information from unauthorised access, disclosure, modification, destruction or interference.
- Not attempt to disable or bypass any security features which have been implemented.
- Be responsible for reporting any actual or suspected Information Security Incidents or Problems and assisting with their resolution. Corporate ICT are responsible for managing the resolution of each incident and its underlying cause.

7. Approach to Risk Management

Risk management is defined as co-ordinated activities to direct and control an organisation with regard to risk.

The approach of the Council to information security is in accordance with the PSN Risk Management & Accreditation Reference Document as published by the Cabinet Office.

8. Incident Reporting and Management

The Council has established an Incident Reporting and Management framework which is in accordance with the PSN Incident and Problem Management Document as published by the Cabinet Office. That part of this policy is managed by Corporate ICT.

9. Review

The Essex OnLine Partnership must undertake an annual review of Information Security Policies and associated papers to ensure they still comply with current good practice and standards as well as an Equality Impact Assessment if policies change. It is the duty of Colchester Borough Council to review Information Security management arrangements in place and review local arrangements contained within local policies, including an IT Health Check carried out by an accredited independent expert. Accreditation can be with CHECK, an accreditation framework from CESG the Information Assurance (IA) arm of GCHQ, based in Cheltenham, Gloucestershire.

10. Awareness, Compliance and Auditing

The Council will ensure compliance with the Information Security Policy through:

10.1 Awareness

- a. Information Security will be included in the induction programme.
- b. An ongoing Information Security awareness programme will be implemented for all users including third parties.
- c. All users will receive appropriate awareness training and updates in organisational policies and procedures as relevant to their job functions.

10.2 Compliance

Compliance with this Policy is mandatory, and non-compliance with this Information Security Policy, supporting policies, procedures and standards may result in disciplinary action, or termination of contracts under which a business provides services.

10.3 Auditing

- a. Carrying out internal audits and where appropriate keeping audit logs in line with legislation and Colchester Borough Council document retention policy.
- b. Where connectivity to other secure networks such as N3 or GSi is established, the Council must submit to (and fund) an audit of their security procedures and practices in the form of an annual IT Health Check, and implement any recommendations to demonstrate that they meet the requirements of this security policy.

11. Monitoring

Where appropriate; monitoring arrangements are put in place to ensure compliance with policy objectives, guidelines and standards.

12. Documentation

Document Owners: Essex OnLine Partnership Management Group and Colchester Borough Council

Document Authors: Essex OnLine Partnership Resource Team and Colchester Borough Council

Disclaimer:

A printed version may not be the current version.

A current version may be obtained in the required format from the EOLP Resource Team or from Colchester Borough Council's Corporate ICT team.

Version History

Version	Release Date	Update Authorised by	Update carried out by	Update Approved by	Changes
0.1	Oct 2007	EOLP	EOLP Resource Team		First draft
1.0	28th Mar 2008	EOLP	EOLP Resource Team	EOLP Information Security Working Group (ISWG)	Changes agreed by the EOLP Information Security working group on 17-03-08.
2.0	20th Feb 2009	EOLP	EOLP Resource Team	EOLP ISWG	Changes agreed by the EOLP Information Security working group on 05-02-2009.
2.1	30th June 2009	EOLP	EOLP Resource Team	EOLP ISWG	Equality Impact Assessment carried out changes to Section 9 Review to include EQIA and Section 12 Documentation to provide the policy in the required format
2.2	25th Jan 2010	EOLP	EOLP Resource Team		Combined all policies into the Corporate IS Policy and created a set of Technical Control in support of this policy.
2.3	112th Feb 2010	EOLP	EOLP Resource Team		Moved Definitions to Technical Control spreadsheet, minor changes following Information Security working group meeting.

Version	Release Date	Update Authorised by	Update carried out by	Update Approved by	Changes
3.0	1st March 2010	EOLP	EOLP Resource Team	EOLPMG	Removed the highlights that indicated the changes that were made.
3.1	23rd June 2011	EOLP	EOLP Resource Team		Incorporated PSN CoCo requirements
4.0	14th July 2011	EOLP	EOLP Resource Team	EOLP ISWG	Incorporated feedback from ISWG
5.0	27th Sept 2011	EOLP	EOLP Resource Team	EOLP ISWG	Additional text for Information Owners and added role of Risk Manager, text taken from PSS IA glossary. Changes to Approach to Risk and Incident Management
5.1	18th Oct 2012	EOLP	EOLP Resource Team	EOLP ISWG	Risk Manager section changed DSO to SIRO
6.0	Nov 2012	EOLP	EOLP Resource Team	EOLP ISWG	Version 6 Issued
6.1	June 2013	CBC	CBC Information Team		Version 6.1 Issued
6.2	Sept 2014	CBC	Asa Aldis – Information Security Officer		Reference to ISO2700 updated. Reference to Information Team removed
6.3	9 Sep 2015	CBC	ICT Manager	CBC Management	Minor grammatical and formatting changes. Removal of references to the Information Security Officer. Insertion of references to the ICT Manager as Head of Security. Removal of the obligation for ALL users to sign a personal commitment statement.

Appendix A

This is a list of key legislation and regulations.

Data Protection Act 1998 and EU Directive on Data Protection

Personal information relating to identifiable individuals must be kept accurate and up to date. It must be fairly obtained and securely stored. Personal information may only be disclosed to people who are authorised to use it.

Unauthorised disclosure of Council or client personal information is prohibited and could constitute a breach of this Act.

Further information on this Act can be obtained from Corporate ICT:

admin.CorporateICT@colchester.gov.uk.

Computer Misuse Act 1990

Deliberate unauthorised access to, copying, alteration or interference with computer programs or data is not allowed and would constitute an offence under this Act for which the penalties are imprisonment and/or a fine.

This Act addresses the following offences:

- Unauthorised access to computer material.
- Unauthorised access with intent to commit or facilitate commission of further offences.
- Unauthorised modification of computer material.

Copyright, Patents and Designs Act 1988

Documentation must be used strictly in accordance with current applicable copyright legislation, and software must be used in accordance with the licence restrictions.

Unauthorised copies of documents or software may not be made under any circumstances.

Companies Act 1985

Adequate precautions should be taken against the falsification of records and to discover any falsification that occurs.

Freedom of Information Act 2000

This Act gives a general right of access to all types of data and information that has been recorded by the Council. There are exemptions to the right of access, but the Council must assist applications for information and proactively make details available about the Council. The Council must know what records it holds, where they are stored and must avoid them being lost.

Further information on this Act can be obtained from Corporate ICT:

admin.CorporateICT@colchester.gov.uk.



Data Protection Policy 2016/17

A guide to the Council's
implementation of the Principles set
out in the Data Protection Act 1988.
Draft for committee approval

September 2016

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1. Introduction

In order to carry out its duties Colchester Borough 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 addition the Council often has to collect and use information in order to comply with the requirements of central government.

Colchester Borough Council will ensure that it treats lawfully and correctly all personal information entrusted to it.

2. Statement of Policy

The Council fully endorses and adheres to the Principles set out in the Data Protection Act 1998. ('the Act'). The Council will therefore ensure that all employees, elected members, contractors, agents, consultants, partners or anyone else who has access to any personal data held by or for the Council are fully aware of and abide by their duties and responsibilities under the Act.

This Policy and the procedures set down in it are reviewed annually to ensure that the Council continues to comply with all relevant statutory requirements.

The Council will ensure that all personal data is handled properly and confidentially 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 of personal data;
- the disposal of or destruction of personal data.

The Council will ensure that data subjects have appropriate access, upon written request, to personal information relating to them and the right to correct, rectify, block or erase any incorrect data.

3. The Principles of Data Protection

Whenever collecting or handling information about people the Council will:

1. Ensure that personal data is collected and used fairly and lawfully;
2. Ensure that the purposes for which personal data is obtained and processed are specified and that data is not used for any other purpose;
3. Collect, process and retain personal data only when necessary;

4. Ensure that any data used or kept is accurate and up to date;
5. Ensure that data is disposed of properly as soon as it is no longer needed for the purpose specified when it was collected;
6. Ensure that all personal data is processed in accordance with the rights of the individual concerned
7. Ensure that appropriate security measures are taken to protect all personal data against damage, loss or abuse;
8. Ensure that 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.

4. Definition of Personal and Sensitive Information

The Act makes a distinction between 'personal data' and 'sensitive personal 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.

Sensitive personal 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;
- Criminal proceedings or convictions.

5. Roles and Responsibilities

Colchester Borough Council will ensure that:

- A member of staff is appointed who has specific responsibility for data protection within the Council;
- Any disclosure of personal data is in compliance with the law 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;
- 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 by the Act;
- All councillors are to be made fully aware of this policy and of their duties and responsibilities under the Act;
- Where it is necessary to share data that this is done under a written agreement setting out what is to be shared and how it is to be kept secure.

All managers and staff will ensure that:

- Paper files and other records or documents containing personal and or sensitive data are kept securely;
- Personal data held electronically is protected by the use of secure passwords which are changed regularly;
- 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.

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

- Confirm in writing that they will abide by the requirements of the Act with regard to information obtained from the Council;
- When requested allow the Council data 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 the Act;
- 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 the Act will be deemed as being a breach of any contract between the Council and that individual, company, partner or firm.

The Council's Head of Information Security, supported by the Data Protection Officer, is responsible for:

- Ensuring the provision of cascade 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 the Data Protection Act.
- For 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.

An officer has also been designated in each service as responsible for ensuring that this Policy is adhered to.

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

6. Councillors

This policy applies to councillors, and all councillors are made aware of the advice produced by the Information Commissioners Office, which can be read by clicking on the link below:-

<https://ico.org.uk/media/for-organisations/documents/1432067/advice-for-elected-and-prospective-councillors.pdf>

7. The Information Commissioner

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

The Act requires every data controller who is processing personal data to notify and renew their notification on an annual basis. Failure to do so is a criminal offence. Any changes to the type of data held or the purposes for which it is held must be notified to the Information Commissioner, within 28 days.

Designated officers will be responsible for notifying and updating the Data Protection Officer with regard to the processing of personal data within their department.

The Data Protection Officer will review the Data Protection Register with designated officers annually prior to notification to the Information Commissioner.

Disclaimer:

A printed version may not be the current version.

A current version may be obtained in the required format from Colchester Borough Council's Corporate ICT team.

11 October 2016

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of the Members' Code of Conduct and the Council's Localsim Act Arrangements		
Wards affected	Not applicable		

This report requests the Committee to review the Members' Code of Conduct and the Council's "Arrangements"

1. Decisions Required

- 1.1 To note the contents of this report.
- 1.2 To agree to keep the Members' Code of Conduct and the Council's "Arrangements" under annual review and to recommend to Council any subsequent amendments in the light of experience.

2. Background

- 2.1 The Localism Act 2011 ("the Act") made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members. These new arrangements came into effect on 1st July 2012. The Act required that local authorities adopted a code of conduct consistent with the seven Nolan Principles of public life and that Principal Authorities put in place "Arrangements" to deal with allegations that Councillors had failed to comply with the Members' Code of Conduct. Principal Authorities were also required to appoint at least one "Independent Person" who would be consulted as part of the Council's "Arrangements".
- 2.2 The Full Council at its meeting on 25 June 2012 formally adopted the Borough Council's Members' Code of Conduct and its "Arrangements" which are attached to this report at Appendix 1 and Appendix 2 respectively. As part of its "Arrangements", the Full Council at its meeting on 22 May 2013 appointed Barbara Pears and Sarah Greatorrex following a public recruitment exercise as the Council's Independent Persons for a term of four years.
- 2.3 The Act also introduced a new interest's regime which included a new register of Members' interests. The Government published amended guidance in September 2013 for councillors on interests ("Openness and transparency on personal interests – a guide for councillors") which has been circulated to all Borough Councillors and to every Town and Parish Council within the Borough.
- 2.4 The Act places on the Borough Council a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. The full council has in turn delegated this function to this Committee as part of its terms of reference.
- 2.5 The Committee at its meeting on 13 October 2015 last reviewed the Council's Localism Act processes and this report seeks to review our subsequent experience to date.

3.0 Review of the Code

- 3.1 The Act did not prescribe the contents of the Code (save to be consistent with the seven Nolan principles) and accordingly the version of the Members' Code of Conduct adopted by the Full Council was a version promoted by the Public Law Partnership. This was to ensure a consistent approach across the County and to ensure that all council's (County, districts and parishes) adopted the same version of the Code so as to provide a sense of clarity for Councillors.
- 3.2 All the Town and Parish Council's in the Borough adopted the Borough Council's Code. The Borough Council's Code has been operating successfully in the part year without any apparent difficulties or concerns and I would propose that the Committee continues to keep the Code under annual review and makes recommendations to Full Council on any subsequent amendments in the light of experience.
- 3.3 The Act requires the Monitoring Officer to compile and publish on the Borough Council's website the Register of Members Interests. This includes Disclosable Pecuniary Interests for both Councillors and their partners and also pecuniary and non-pecuniary interests just for Councillors. All of the Borough Councillors interests are published and most of those of the Town and Parish Councillors in the Borough have also been published on the Borough Council's website. However, the Act did not make it a statutory requirement for all existing Councillors to register their declarable interests. The Act does however make it an offence for a councillor to fail to register their declarable interests within a period of 28 days of becoming elected. However the Government stated in its guidance:-

"All sitting councillors need to register their declarable interest. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty (i.e. Nolan Principles), with which you must comply"

This has been specifically been drawn to the attention of all Town and Parish Councils.

- 3.4 The Borough Council's Committee Management Information System enables the Register of Members' Interests to be published in line with the Government's transparency agenda so that all Councillors' information is in one place on the website.
- 3.5 Training on the Code on Conduct was offered by the Monitoring Officer for new Councillors following the Borough elections and refresher training for both Borough and Parish Council's is available as required.

4.0 Review of the Arrangements

- 4.1 The Act required the Council to adopt "Arrangements" for dealing with allegations that Councillors have potentially failed to comply with the Code. Any allegations that Councillors have not complied with the Disclosable Pecuniary Interests regime under the Act are not dealt with under the Council's "Arrangements" as they are potentially criminal offences and need to be dealt with by the Police. As at the date of this report there have been no such allegations or referrals.
- 4.2 The Council's "Arrangements" comprise a more streamlined approach to dealing with councillor complaints compared to the previous regime. The "Arrangements" are made publically available on the Borough Council's website and have been used on several occasions. All allegations are received by the Monitoring Officer who makes an assessment of the merits of the complaint in consultation with an Independent Person.
- 4.3 The table at Appendix 1 below details the number, type and outcome of allegations received since 1 July 2012.

- 4.4 The Council's "Arrangements" appear to be operating satisfactorily and I would propose that the Committee continues to keep them under annual review and makes recommendations to Full Council on any subsequent amendments in the light of experience.

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 aims to set out the direction and future potential for our Borough.

6. Publicity Considerations

- 6.1 The Council's Code of Conduct and "Arrangements" are available on the Council's website at www.colchester.gov.uk/standards

7. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety and Risk Management Implications

- 7.1 None.

Councillor Code of Conduct Allegations received since 1 July 2012

Allegations	July12 – March13	April 13 – March 14	April 14 – October 14	Nov 14- October 15	Nov 15 – October 16	Total
Number of allegations received	2	3	2	3	3**	13
Borough Councillors	1	3*	2	1	2	9
Parish Councillors	1	1	0	2	0	4

* one complaint was made against two councillors

** two complaints were made against one councillor

The majority of allegations came under the heading of “treating others with respect” with one being under the heading of “not to do anything which may cause the Authority to breach any of the equality enactments”.

Source of complaints	July12 – March13	April 13 – March 14	April 14 – October 14	Nov 14- October 15	Nov 15 – October 16	Total
Member of the public	2	6#	2	2	1	13
Borough Councillors	0	0	0	1	1	2
Parish Councillors	0	0	0	0	0	0
County Councillors	0	0	0	0	0	0
Member of Parliament	0	1	0	0	0	1

five separate persons made same complaint against one councillor

	July12 – March13	April 13 – March 14	April 14 – October 14	Nov 14- October 15	Nov 15 – October 16	Total
Complaints referred to Governance and Audit Committee	0	0	0	1	2	3

Outcome	July12 – March13	April 13 – March 14	April 14 – October 14	Nov 14- October 15	Nov 15 – October 16	Total
Merits no further investigation	2	3	2	2	3	12
Merits further investigation	0	0	0	0	0	0

NB. Two complaints referred to the Governance and Audit Committee merited no further investigation.



Localism Act 2011

Promoting and Maintaining High Standards of Conduct in Local Government

CODE OF CONDUCT FOR MEMBERS

Colchester Borough Council

Code of Conduct for Members

PART 1 GENERAL PROVISIONS

Introduction and interpretation

This Code of Conduct was adopted by the full council at its meeting on 25 June 2012 and is effective from 1 July 2012.

As a Member you are a representative of Colchester Borough Council (“the Authority”) and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code as a whole is consistent with “Nolan Principles” which are set out in Appendix 1 and the provisions of S29(1) Localism Act 2011.

In this Code-

“meeting” means any meeting of:

- (a) the Authority
- (b) the Executive of the Authority
- (c) any of the Authority’s or its Executive’s committees, sub-committees, joint committees, joint sub-committees or areas committees whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members
- (d) any briefings by officers and site visits organised by the Authority “relevant period” means the period of 12 months ending with the day on which you give notification to the Authority’s monitoring officer of any disclosable pecuniary interests you had at the time of the notification.

“profit or gain” includes any payments or benefits in kind which are subject to Income Tax.

“beneficial interest” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the

land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale.

“Member” includes a co-opted member.

1. Who does the Code apply to?

- (1) This Code applies to all Members of the Authority including co-opted members.
- (2) It is your responsibility to comply with the provisions of this Code.

2. What does the Code apply to?

- (1) You must comply with this Code whenever you -
 - (a) conduct the business of the Authority, or
 - (b) you are acting as a representative of the Authority.
- (2) This Code has effect in relation to your conduct in your official capacity.
- (3) Where you act as a representative of the Authority –
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- (1) You must treat others with respect.
- (2) You must uphold the law.
- (3) You must not –
 - (a) do anything which may cause the Authority to breach any of the equality enactments;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be –

- (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

4. Confidential Information

You must not –

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Authority;
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. Conferring an advantage or disadvantage

You must -

- (a) not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (b) when using or authorising the use by others of the resources of the Authority -
 - (i) act in accordance with the Authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);

- (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2 MEMBERS INTERESTS

6. Disclosable Pecuniary Interests¹

6.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description set out in 6.2 below and is either:

- (a) An interest of yours; or
- (b) An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner ("known as Relevant Persons").

6.2 A Pecuniary Interest is an interest which relates to or is likely to affect:

- (a) Any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain;
- (b) Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (c) Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Authority or a body in which you or they have a beneficial interest;
- (d) A beneficial interest in any land in the Authority's area
- (e) A licence of any land in the Authority's area (alone or jointly with others) that you or a Relevant Person occupy for a month or longer
- (f) any tenancy where to your knowledge (i) the landlord is the Authority and (ii) the tenant is a body in which you or a Relevant Person has a beneficial interest
- (g) Any beneficial interest in securities of a body where –
 - (i) that body (to your knowledge) has a place of business or land in the area of the Authority and
 - (ii) either:

¹ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the pecuniary interests specified for the purposes of Chapter 7 of Part 1 Section 30(3) of the Localism Act 2011
June 2012

- (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (bb) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

7. Other Pecuniary Interests

You have a pecuniary interest in any business of the Authority where it relates to or is likely to affect:

- (a) any person or body who employs or has appointed you;
- (b) any contract for goods, services or works made between the Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph 6.2.(g) which has been fully discharged within the last 12 months;

8. Non-Pecuniary Interests

8.1 You have a non-pecuniary interest in any business of the Authority where it relates to or is likely to affect -

- (a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;
- (b) any body –
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); of which you are a member or in a position of general control or management;
- (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- (d) a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent than the majority of:-
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the

- electoral division or ward, as the case may be, affected by the decision; or
- (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of the Authority's area.

9. Disclosure of Interests (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)

- 9.1 Subject to sub-paragraphs 9.2 to 9.3, where you have a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.
- 9.2 Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's Interest.
- 9.3 Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 9.1 but by virtue of paragraph 12 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary Interest you need not disclose the nature of the interest to the meeting.
- 9.4 Where you have a Pecuniary Interest in any business of the Authority and a function of the Authority may be discharged by you acting alone in relation to that business, you must ensure you notify the Authority's monitoring officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business.
- 9.5 Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 9.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

10. Effect of Interests on participation

10.1 Disclosable Pecuniary Interests

- (a) If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a Disclosable Pecuniary Interest in any

matter to be considered, or being considered, at the meeting and you are aware of that Interest:

- (i) You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.
 - (ii) You must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's proper officer.
- (b) If you have a Disclosable Pecuniary Interest in any business of the Authority you must not:
 - (i) exercise executive functions in relation to that business; and
 - (ii) seek improperly to influence a decision about that business
- (c) If a function of the Authority may be discharged by a Member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).

10.2 Other Pecuniary Interests

If you have another Pecuniary Interest in any business of the Authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement in the public interest and you are present at a meeting of the Authority at which such business is to be considered or is being considered you must:

- (a) disclose the existence and nature of the interest in accordance with paragraph 9.1 (but subject to paragraph 9.3) and;
- (b) withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from the Authority's proper officer.

PART 3 REGISTER OF MEMBERS INTERESTS

11. Registration of Members' Interests

Subject to paragraph 12, you must, within 28 days of –

- (a) this Code being adopted by or applied to the Authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Authority

register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- (i) Disclosable Pecuniary Interests as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time.
- (ii) Pecuniary Interests referred to in paragraph 7 that you have.

Subject to paragraph 12, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner or change to any Disclosable Pecuniary Interest registered under paragraphs 11.(a) (i) or (ii) above by providing written notification to your authority's Monitoring Officer.

12. Sensitive Information

- 12.1 Where you have a Disclosable Pecuniary Interest referred to in paragraph 6 or pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and the Authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Authority's Register then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 12.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 12.1 is no longer sensitive information, notify the Authority's monitoring officer.
- 12.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that

you or a person who lives with you may be subject to violence or intimidation.

13. Register of Gifts and Hospitality

- 13.1 You must within 28 days of receipt, notify the Authority's monitoring officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the Authority.
- 13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 13.3 This duty to notify the monitoring officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

CODE OF CONDUCT

APPENDIX 1

THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011

SELFLESSNESS

To serve only the public interest and never improperly confer an advantage or disadvantage on any person

INTEGRITY

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

OBJECTIVITY

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

ACCOUNTABILITY

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

OPENNESS

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

HONESTY

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

LEADERSHIP

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.



Colchester Borough Council
Governance and Audit Committee
Councillor Code of Conduct

Arrangements for dealing with complaints

(These arrangements came into effect on 1 July 2012)

Introduction

- 1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted member of Colchester Borough Council or of a parish council, town council or community council (referred to as a parish council in this document) within the Borough of Colchester has failed to comply with the Councillors’ Code of Conduct, and sets out how the Borough Council will deal with allegations of a failure to comply with the Councillors’ Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Borough Council must have in place “Arrangements” under which allegations that a member or co-opted member of the Borough Council (or of a parish council within the Borough of Colchester), or of a Committee or Panel of the Borough Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the Borough Council to appoint at least 1 Independent Person, whose views must be sought by the Borough Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Borough Council at any other stage, or by a member (or a member or co-opted member of a parish council) against whom an allegation has been made. Both members and co-opted members are referred to as councillors in this document for ease of reference.

2. The Code of Conduct

- 2.1 The Borough Council has adopted a Code of Conduct for Councillors, which is available for inspection on the Borough Council’s website (www.colchester.gov.uk/standards) and on request from Reception at the Borough Council Offices.

- 2.2 Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, you should inspect any website operated by the Parish Council or request the parish clerk to allow you to inspect the Parish Council's Code of Conduct.

3. Making a complaint

- 3.1 If you wish to make a complaint, please write to:

The Monitoring Officer

Colchester Borough Council

Rowan House, 33 Sheepen Road

Colchester, CO3 3WG.

or by email to:

andrew.weavers@colchester.gov.uk

- 3.2 The Monitoring Officer is a senior officer of the Borough Council who has statutory responsibility for maintaining the register of councillors' interests and who is responsible for administering the system in respect of complaints of councillor misconduct.
- 3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the Borough Council's website, next to the Code of Conduct, and is available on request from Reception at the Borough Council Offices.
- 3.4 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the Councillor against whom you make the complaint, without your prior consent.
- 3.5 The Borough Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

- 3.7 The Complaints Procedure Flowchart is attached at Appendix 1 for your information.
- 3.8 The Borough Council has agreed a Press Policy in relation to complaints made against councillors and this is attached at Appendix 2 for your information.

4. Will your complaint be investigated?

- (1) The Monitoring Officer will review every complaint received and, may consult with the Independent Person before taking a decision as to whether it:
- (a) merits no further investigation; or
 - (b) merits further investigation; or
 - (c) should be referred to the Governance and Audit Committee,
- (2) This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the Borough Council's Assessment Criteria contained at Appendix 3. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision. Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the councillor against whom your complaint is directed.
- (3) Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.
- (4) In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the councillor accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the councillor or the authority make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.

- (5) If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

5. How is the investigation conducted?

- (1) The Borough Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 4 to these arrangements.
- (2) If the Monitoring Officer decides that a complaint merits further investigation, he/she may appoint an Investigating Officer, who may be another senior officer of the Borough Council, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen, and who needs to be interviewed.
- (3) The Investigating Officer or Monitoring Officer will normally write to the councillor against whom you have complained and provide him/her with a copy of your complaint, and ask the councillor to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the councillor might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the councillor, or delay notifying the councillor until the investigation has progressed sufficiently.
- (4) At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a draft report ("the Investigation Report") and will send copies of that draft report, in confidence, to you and to the councillor concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.
- (5) Having received and taken account of any comments which you may make on the draft Investigation Report. Where an Investigating Officer has been appointed the Investigating Officer will send his/her final report to the Monitoring Officer.

6. What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

- (1) If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the councillor concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigation Final Report.
- (2) If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7. What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

- (1) If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before the Hearings Sub-Committee or in consultation with the Independent Person seek an informal resolution.

(a) Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the councillor accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Borough Council's Governance and Audit Committee (and the Parish Council) for information, but will take no further action.

(b) Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigation Report to the Hearings Sub-Committee which will conduct a hearing before deciding whether the councillor has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the councillor.

The Borough Council has agreed a procedure for hearing complaints, which is attached as Appendix 5 to these arrangements.

At the hearing, the Investigating Officer or the Monitoring Officer will present her/his report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Hearings Sub-Committee. The councillor will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Hearings Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the councillor did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Hearings Sub-Committee concludes that the councillor did fail to comply with the Code of Conduct, the Chair will inform the councillor of this finding and the Hearings Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the councillor's failure to comply with the Code of Conduct. In doing this, the Hearings Sub-Committee will give the councillor an opportunity to make representations to the Hearings Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8. What action can the Hearings Sub-Committee take where a member has failed to comply with the Code of Conduct?

8.1 The Borough Council has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Sub-Committee may:-

- (a) Report its findings to Council (or to the Parish Council) for information;
- (b) Recommend to Council (or to the Parish Council) that the councillor be issued with a formal censure or be reprimanded
- (c) Recommend to the councillor's Group Leader (or in the case of ungrouped councillors, recommend to Council or to Committees) that the councillor be removed from any or all Committees or Panels of the Council;
- (d) Recommend to the Leader of the Council that the councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (e) Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the councillor;
- (f) Recommend to Council to remove (or recommend to the Parish Council that the councillor be removed) from all outside appointments to which he/she has been appointed or nominated by the Council (or by the Parish Council);
- (g) Recommend to Council to withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the councillor by the Council, such as a computer, website and/or email and internet access; or
- (h) Recommend to Council to exclude (or recommend that the Parish Council exclude) the councillor from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Panel meetings.

- 8.2 The Hearings Sub-Committee has no power to suspend or disqualify the councillor or to withdraw the councillor's basic allowance or any special responsibility allowances.
- 8.3 Any actions recommended by the Hearings Sub-Committee should be proportionate and commensurate with the circumstances of the particular case.

9 What happens at the end of the hearing?

- 9.1 At the end of the hearing, the Chair will state the decision of the Hearings Sub-Committee as to whether the councillor failed to comply with the Code of Conduct and as to any actions which the Hearings Sub-Committee resolves to take.
- 9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee, and send a copy to you, to the councillor (and to the Parish Council), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Hearings Sub-Committee?

- 10.1 It is a Sub-Committee comprising of Councillors who are members of the Governance and Audit Committee.
- 10.2 The Governance and Audit Committee has decided that it will comprise a maximum of five Councillors and will comprise councillors drawn from all political groups. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council. If the councillor complained about is a member of a Parish Council a parish councillor who is a co-opted member of the Governance and Audit Committee will also be invited to attend the Sub-Committee.
- 10.3 An Independent Person will also be invited to attend all meetings of the Hearings Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the councillor's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who are the Independent Persons?

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- 11.1 The Independent Persons are persons who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of the Borough Council.
- 11.2 A person cannot be “independent” if he/she:
- (a) is, or has been within the past 5 years, a member, co-opted member or officer of the Borough Council;
 - (b) (is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the Borough of Colchester), or
 - (c) is a relative or close friend, of a person within paragraph (a) or (b) above. For this purpose, a “relative” means:
 - (i) spouse or civil partner;
 - (ii) living with the other person as husband and wife or as if they were civil partners;
 - (iii) grandparent of the other person;
 - (iv) a lineal descendent of a grandparent of the other person;
 - (v) a parent, sibling or child of a person within paragraphs (a) or (b); above or
 - (vi) a spouse or civil partner of a person within paragraphs (iii), (iv) or (v) above; or
 - (vii) living with a person within paragraphs (iii), (iv) or (v) above as husband and wife or as if they were civil partners.

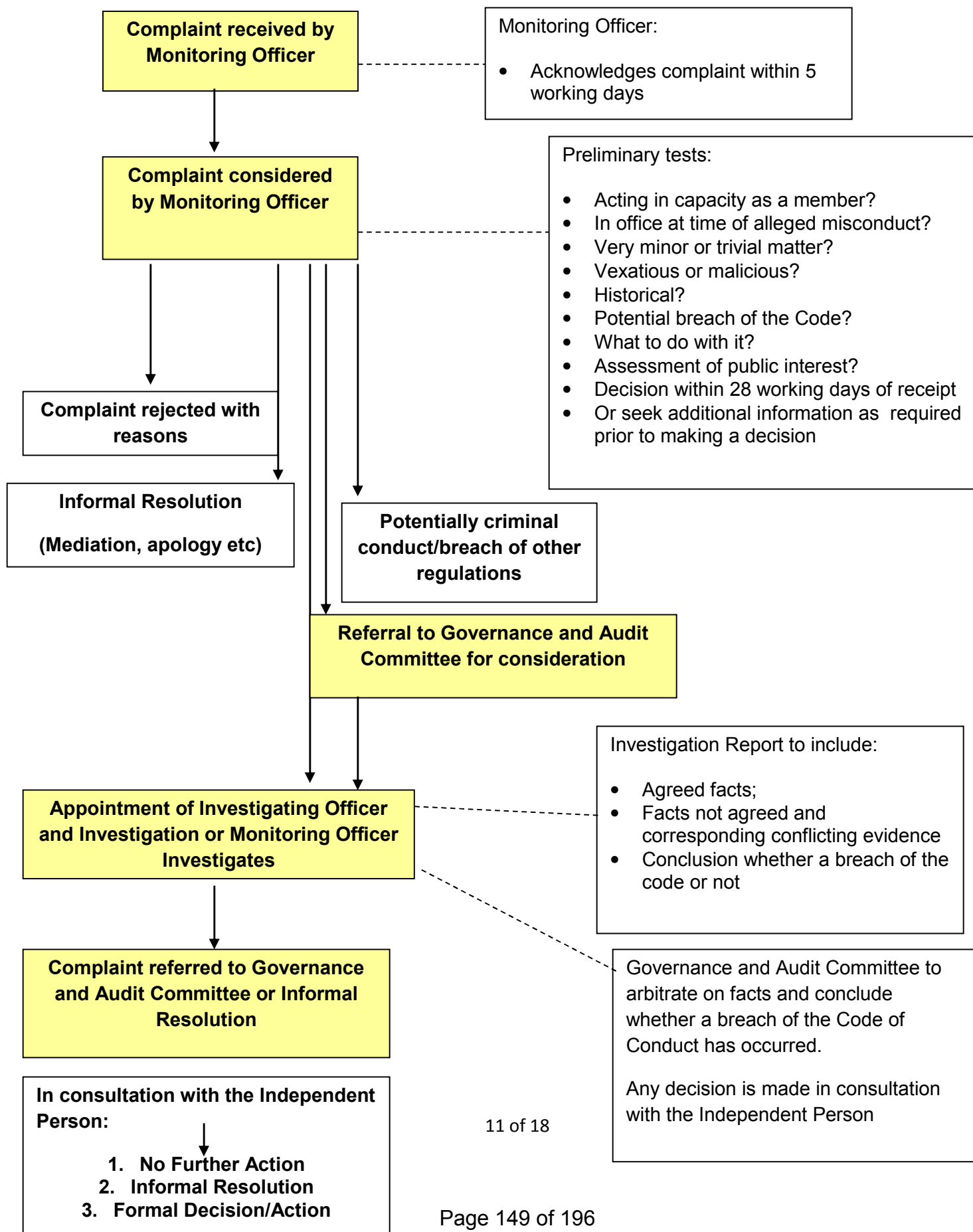
12. Revision of these Arrangements

The Borough Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

- 13.1 There is no right of appeal for you as complainant or for the councillor against a decision of the Monitoring Officer or of the Hearings Sub-Committee.
- 13.2 If you feel that the Borough Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Complaints Procedure Flowchart



Colchester Borough Council

Press Policy

Complaints against Members

This Policy sets out how the Borough Council will respond to press enquiries into a complaint made against councillor(s). This includes Borough Councillors and Parish and Town Councillors.

We like to be as helpful as possible to the press and we will confirm, when requested by a journalist:

- the name of a councillor(s) involved in an ongoing or past investigation
- the type of person who made the allegation – whether they are a member or Officer of the authority, or a member of the public
- part of the Code of Conduct potentially breached
- whether the case was referred for investigation and, if not, the reason it was not referred
- approximate dates of when the allegation was received and the date of when a decision was made on whether or not to investigate
- the outcome of any investigation, on issue of the final report

Please note that we will only respond to queries about specific Councillors.

We will not comment on complaints received until a decision has been made on whether a complaint will be investigated; we allow three working days from the date of that decision before confirming it to the press.

We will confirm the outcome of an investigation three working days after the final report has been issued. This policy ensures that the relevant parties involved in the complaint and investigation are notified before the press.

We will always stress that a complaint is just that: while an investigation is ongoing, no decision is made regarding a Councillor's guilt or otherwise.

Colchester Borough Council

STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; e.g. that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor; or
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc; or
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Governance and Audit Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
11. Where the councillor complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

Complaints which may be referred to the Governance and Audit Committee

1. It is serious enough, if proven, to justify the range of actions available to the Governance and Audit Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation; or

3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or
4. The complaint is about a high profile Councillor such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate; or
5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate.

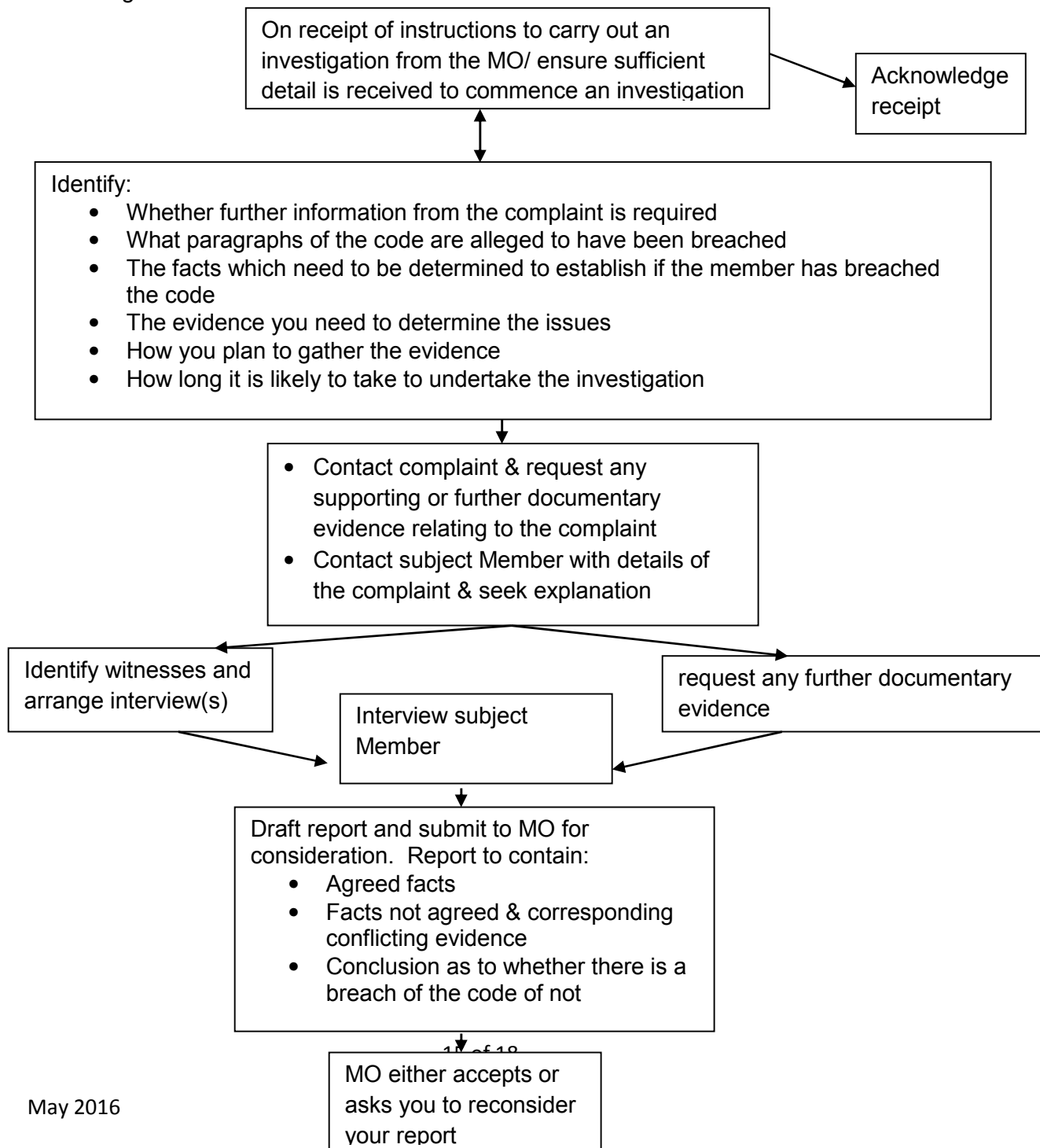
Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and councillors' time. This is an important consideration where the complaint is relatively minor.

STANDARDS COMPLAINTS INVESTIGATION PROCEDURE

Investigation Procedure

You should maintain a written record to demonstrate what was considered at the start of each investigation and plan how you intend to carry out the investigation, the paragraphs of the Code that may have been breached, the facts you need to determine to establish, the evidence you will need, how you plan to gather the evidence and how long it will take to conclude your investigation. Remember there is no provision in the Localism Act 2011 compelling Members or witnesses to co-operate with your investigation.

A written Investigation Report will need to be prepared for consideration by the Council's Monitoring Officer.



Colchester Borough Council
GOVERNANCE AND AUDIT COMMITTEE
HEARINGS SUB-COMMITTEE PROCEDURE

<u>Item No.</u>	<u>Procedure</u>
	<u>Quorum</u>
1.	<p>1.1. Three members must be present throughout the hearing to form a quorum.</p> <p>1.2. Where the complaint refers to a Parish Councillor a non voting Parish member of the Governance Committee may be present.</p> <p>1.3. An Independent Person shall also be invited to attend.</p> <p>1.4. The Sub-Committee shall nominate a Chair for the meeting</p>
2.	<u>Opening</u>
	<p>2.1 The Chair explains the procedure for the hearing and reminds all parties to turn off mobile phones etc.</p> <p>2.2 The Chair asks all present to introduce themselves.</p> <p>2.3 The Councillor will be asked whether they wish to briefly outline their position.</p>
3.	<u>The Complaint</u>
	<p>3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.</p> <p>3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions rising from the Investigators report and not to make a statement).</p> <p>3.3 Members of the Sub-Committee may question the Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer</p>

	<u>The Councillor's case</u>
4.	<p>4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative).</p> <p>4.2 The Investigating Officer may question the Councillor and/or any witnesses.</p> <p>4.3 Members of the Sub-Committee may question the Councillor and /or any witnesses.</p>
	<u>Summing Up</u>
5.	<p>5.1 The Investigating Officer may sum up the Complaint.</p> <p>5.2 The Councillor (or their representative) may sum up their case.</p>
	<u>Decision</u>
6.	<p>6.1 Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision.</p> <p>6.2 Upon the Sub-Committee's return the Chair will announce the Sub-Committee's decision in the following terms:-</p> <p>6.2.1 The Sub-Committee decides that the Councillor has failed to follow the Code of Conduct; or</p> <p>6.2.2 The Sub-Committee decides that the Councillor has not failed to follow the Code of Conduct</p> <p>6.3 The Sub-Committee will give reasons for their decision</p> <p>6.4 If the Sub-Committee decides that the Councillor has failed to follow the Code of Conduct the Sub-Committee will consider any representations from the Investigator and/or the Councillor as to:</p> <p>6.4.1 Whether any action should be taken and</p> <p>6.4.2 What form any action should take</p> <p>6.5 The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person.</p>

	<p>6.6 On the Sub-Committee's return the Chair will announce the Sub-Committee's decision (in relation to a Parish Councillor a recommendation to the Parish Council).</p> <p>6.7 The Sub-Committee will consider whether it should make any recommendations to the Borough Council (or in relation to a Parish Councillor to the Parish Council) with a view to promoting high standards of conduct among councillors.</p> <p>6.8 The Chair will confirm that a full written decision shall be issued within 7 working days following the hearing and that the Sub-Committee's findings to be published.</p>

11 October 2016

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Gifts and Hospitality – Review of Guidance for Councillors and Policy for Officers		
Wards affected	Not applicable		

This report recommends that the Committee approves revised guidance and policy relating to gifts and hospitality

1. Decision(s) Required

- 1.1 To approve the attached Guidance for Members regarding Gifts and Hospitality and that it be included in the Constitution.
- 1.2 To approve the attached Gifts and Hospitality Policy for Officers.

2. Background

- 2.1 This matter was considered by the Committee at its meeting on 19 January 2016, following the clarification of the 'civic' night hospitality, which was included in paragraph 5.2 of Guidance for Members. However it is appropriate that the policy is included in the annual review of governance policies, that is carried out, by the Governance and Audit Committee, in October each year
- 2.2 The Council, when it adopted its Members Code of Conduct, retained the requirement from the previous regime to include registration and declaration of gifts and hospitality of the value of £50 and above as part of the Members Register of Interests. These are published on the Council's website as an integral part of the Committee Management Information System (CMIS). Guidance was produced for Members who may be offered gifts and/or hospitality and is included in the Constitution. The Guidance has been reviewed and updated and is attached to this report at Appendix 1. The Committee is requested to approve the Guidance.
- 2.3 Officers are required as part of their terms and conditions of employment to register any gifts and hospitality received in a register which is maintained by each Head of Service. This register is subject to quarterly and annual review by the Monitoring Officer. In addition the registers are regularly audited by the Council's internal auditors. The officer policy on gifts and hospitality is published on the Hub (the Council's intranet) and the opportunity has been taken to review and update the Policy which is attached at Appendix 2. The Committee is requested to approve the Policy.
- 2.4 The Monitoring Officer writes annually to both Members and Officers reminding them of their obligation regarding declaring and registering gifts and hospitality.

3. Strategic Plan References

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

4. Publicity Considerations

- 4.1 The Constitution is published on the Council's website
- 5. **Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety and Risk Management Implications**
- 5.1 None.



Guidance for Members regarding Gifts and Hospitality 2016/17

A guide for Members regarding gifts
and hospitality.

October 2016

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1. Introduction

- 1.1 The Council's Members' Code of Conduct requires Members and Co-opted Members to include on their Notice of Registerable Interests details of any gift or hospitality received as part of their official duties which may be over the value of fifty pounds. It is also a breach of the Code for a Member to use their position as a Councillor improperly to confer on or secure for themselves or any other person an advantage or disadvantage.
- 1.2 The following guidance aims to assist Members and Co-opted Members in complying with the Members' Code of Conduct but it also goes beyond these basic provisions and seeks to provide wider guidance so Members can avoid situations where their integrity may be caused to be questioned as a result of gifts and hospitality.

2. The Legal Position

- 2.1 The Bribery Act 2010 makes it an offence to offer, promise or give a bribe. The Act also makes it an offence to request, agree to receive, or accept a bribe.
- 2.2 The Act also creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. A corporate offence is committed where a commercial organisation fails to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation.

3. General Advice

- 3.1 Members are advised to treat with extreme caution any offer or gift, favour or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the Member's independence should not be compromised e.g. planning approval.

4. Gifts

The following rules should be applied:

- 4.1 Other than the exceptions listed in 4.3 and 4.4 below, a Member should refuse any gift offered to them or to an immediate relative of the Member, by any person who has or may seek to have dealings with the Council. Members must notify the Monitoring Officer of all such refusals as soon as reasonably practicable regardless of the value of the offered gift (unless the gift falls within 4.3 or 4.4 below). The Monitoring Officer will maintain a record for this purpose.
- 4.2 Members should note that the Members' Code of Conduct requires all gifts and hospitality which exceed fifty pounds in value to be entered on the Members Notice of Registerable Interests which is published on the Council's website. Any gifts or hospitality must be registered within twenty eight days of receipt.

The exceptions where it may be appropriate to accept a gift are:

- 4.3 The gift is of purely token, promotional advertising value given to a wide range of people, e.g. pens, key rings and other promotional items. As such promotional gifts will

usually be less than fifty pounds in value generally there will be no need to register but in cases of doubt Members should err on the side of caution and register the gift.

- 4.4 A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council. Again because such gifts would be of a small value generally there will be no need to register but in cases of doubt Members should err on the side of caution and register the gift.
- 4.5 A gift to the Council. This is particularly relevant to the Mayor or Deputy Mayor who may receive gifts on behalf of the Council. A separate record of such gifts is maintained by the Mayor's Secretary. Gifts made to the Mayor's charities need not be recorded.
- 4.6 Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the Council and should be registered with the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than the fifty pounds specified in the Members Code of Conduct). The Monitoring Officer in consultation with the Chairman of the Governance Committee will determine whether it is appropriate to retain the gift in question.
- 4.7 Whilst it may be acceptable to accept a token or small gift on one occasion Members should refuse repeated gifts, even if these are individually not of a significant value.
- 4.8 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer as set out in paragraph 4.2 above.

5. Hospitality

- 5.1 Increasingly private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that Members' judgement would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality which exceeds fifty pounds is required by the Members Code of Conduct to be registered. However Members may wish to notify the Monitoring Officer of hospitality offered but refused and hospitality which is less than the fifty pounds limit specified in the Members' Code of Conduct.
- 5.2 Examples of hospitality which may be acceptable follow but much may depend on the particular circumstances, e.g. who is providing the hospitality, why the Member is there and the nature of the dealings between the Council, the Member and the provider of the hospitality:
 - A working meal provided to allow parties to discuss or to continue to discuss business. (A useful test will often be whether you would provide similar hospitality if the situation was reversed).
 - An invitation to attend a dinner or function of a Society, Institute or other non commercial body with whom the Council has contact.
 - Invitations to attend functions where the Member represents the Council (opening ceremonies, public speaking events, conferences)
 - An invitation to attend an event which is categorised as a Civic function or reception
 - Civic hospitality provided by another Public Authority.

5.3 The following are examples of unacceptable hospitality:

- Holidays, including accommodation and travel arrangements
- Offers of theatre tickets for the Member and their family or free travel
- Personal invitations for evenings out with representatives from a company or firm who have dealings with the council or who are likely to have dealings in the future.

Members are advised to err on the side of caution and if in any doubt as to the integrity of the offer / invite, the Member should consult the Monitoring Officer or refuse.

6. Declaration of Gifts or Hospitality at Meetings

6.1 The Members Code of Conduct requires that any gift or hospitality received and recorded on a Members' Notice of Registerable Interest must be declared by that Member at any meeting for a period of three years from the date of receipt of the gift or hospitality whenever the matter under decision relates to the provider of the gift or hospitality concerned.

7. Further advice

7.1 If any Member has any concerns regarding this Guidance they must seek advice from the Monitoring Officer.



Gifts and Hospitality Policy for Officers 2016/17

A guide for officers regarding gifts and hospitality received in the course of their duties. DRAFT for committee approval.

October 2016

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check Hub for updates

1. Introduction

- 1.1 These guidelines are here to help you decide whether or not you should accept offers of gifts or hospitality. In local government you need to be very careful to ensure that the public confidence in your own and the Council's integrity cannot be damaged in any way by your actions.
- 1.2 **If you have any doubts about an offer of a gift or form of hospitality you must refuse and seek the advice of your manager, Head of Service or the Monitoring Officer.**

2. Gifts

- 2.1 You must be **very careful** when accepting gifts – in some circumstances you could break the law. The general rule is to politely and tactfully refuse offers of gifts from people or organisations who do or might provide work, goods or services to the Council or who seek some decision from the Council – for example, in respect of planning permission.
- 2.2 Gifts of the following type **may** be accepted:
 - **Modest** gifts of a promotional character such as calendars, diaries, articles for use in the office.
 - A **small** gift on the conclusion of a courtesy visit to a factory or firm, or gifts which are presented at civic or ceremonial occasions.
- 2.3 You must appreciate that these exceptions apply only to **modest gifts** and an expensive gift must not be accepted. Again, if you are **in doubt, refuse** the gift and **seek advice** from your manager or Head of Service.
- 2.4 Gifts which are intended for the Council as a corporate body or intended for a service area can be accepted but you **must not** retain these. Such gifts must be given to the Head of Service for the service area concerned or the Chief Executive as appropriate.

3. Hospitality

- 3.1 You must use your judgement when accepting an offer of hospitality. You should ask yourself whether members of the public, knowing the facts of the situation, could reasonably think that you might be influenced by the hospitality offered. If the answer is yes, the hospitality should be declined. You should consider:
 - the person or organisation offering the hospitality;
 - the scale and nature of the hospitality; and
 - the timing of the hospitality in relation to decisions to be made by the Council.
- 3.2 Some **examples** of situations and circumstances where hospitality might be **acceptable** are:

- Routine meals at establishments used by the local business community, to discuss business, prior to or following such a discussion. A useful test will often be whether you would provide similar hospitality if the situation was reversed.
- Customary lunches and dinners given at conferences where there are numerous guests and where invitations are formally received and accepted in advance of the conference.
- Courtesy invitations by major companies providing services to the Council, e.g. Bankers, Insurers etc.
- Invitations to join other company guests at sponsored cultural, sporting events or other public performances and openings of other special occasions.
- Civic and ceremonial occasions when accompanying the Mayor.

3.3 Some **examples** of situations and circumstances where hospitality is **unacceptable** are:

- Paid or concessionary holidays or travel.
- Other concessionary rates which are not openly and as a matter of practice, available equally to other organisations.
- Offers of hotel and/or theatre tickets in London (except in circumstances described in 3.2 above).
- The use of company flats or hotel suites.
- Extravagant meals at exclusive venues.
- Frequent hospitality from one source.

3.4 In general, it is usually more acceptable for you to accept hospitality when it is offered to a group rather than something which unique to yourself. You should take greater care if you are offered hospitality when the person or organisation has current dealings with the Council or such dealings are in prospect.

4. Recording Gifts and Hospitality

4.1 **All** gifts and hospitality which you accept **must** be recorded as soon as possible in the Gifts and Hospitality Register held by your Head of Service. These registers are inspected regularly and countersigned by your Head of Service and the Council's Monitoring Officer. They are also subject to regular audit by the Council's auditors.

It is your personal responsibility for ensuring that your acceptance of hospitality and/or gifts is entered in the record. Any inappropriate receipt of any gift or hospitality could lead to disciplinary action.

11 October 2016

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of Local Code of Corporate Governance		
Wards affected	Not applicable		

This report requests the Committee to review the updated Local Code of Corporate Governance

1. Decision(s) Required

- 1.1 To review the updated Local Code of Corporate Governance for 2016/17 and to recommend to Council that it be approved for inclusion in the Council's policy framework.

2. Background

- 2.1 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 December 2012.
- 2.2 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
- 2.3 The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Members 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.
- 2.4 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.
- 2.5 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;
 - Members 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.

2.6 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.

2.7 The Local Code, and the Councils compliance with the principles, have been reviewed, and attached at Appendix 1 is the updated Local Code of Corporate Governance for 2016/17. 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.

2.8 There have been no significant changes to the code following the review, and it is considered still fit for purpose.

3. Strategic Plan References

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

4. Publicity Considerations

4.1 The Local Code of Corporate Governance will be included in the Constitution and will be published on the Council's website.

5. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety and Risk Management Implications

5.1 None.

Code of Corporate Governance 2016/17

A guide to the Council's
compliance with the six
principles of Corporate
Governance. Draft for
Committee approval

October 2016

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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 achieve a 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 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
1.1.1 Develop and promote the Council's purpose and vision	Strategic Plan 2015-18 Service Plans Communications Strategy Council website – www.colchester.gov.uk Local Research and Statistics data on website The Constitution and its committees, panels and Trading Board Peer Challenge action plan Core values of 'customer, business and culture' with identified attitudes and behaviours Strategic Plan Action Plan	Customer Demand and Research project work
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	Strategic Plan 2015-18 Medium Term Financial Strategy and Capital Programme Local Code of Corporate Governance Annual Governance Statement and Assurance Framework Risk Register	Local Code of Corporate Governance updated as required by CIPFA Guidance Updated Strategic Plan Action Plan

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 2015-18 Partnership Strategy Partnership Register Partners were key contributors in the Peer Challenge.	Community Hub at Colchester library brings a range of partners together to provide customer-facing services. Also the Essex County Council Relationship Manager role.
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 www.colchester.gov.uk "Council Awards and Accreditations" and "Performance and Improvement" – sections on the Council's website Performance Management Board Communications Strategy	A webpage has been set up to bring all annual reports into one central place on the Council's website for improved transparency
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	Performance reporting to Senior Management , Scrutiny Panel and the Cabinet Consultation – "Consultations, Research and Statistics" section on website Mosaic and Touchstone customer research tools Annual Monitoring Report External Audit annual audit letter and recommendations	'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

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 External Auditor's annual audit letter and recommendations The Constitution and its committees, panels and Trading Board Risk Management Strategy Ethical Governance Policies Annual Governance Statement Action Plan	Performance Management Board addresses and manages performance and financial issues and meets monthly. Preparation for Budget Group is also managed here.
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 and Action Plan External Auditor's annual audit letter and recommendations Statement of Accounts Report templates – financial considerations Monitoring of commercial performance by the Trading Board Sustainability assessments for Local Development Framework	Building a sustainable commercial services arm for the Council Establishment of Revolving Investment Fund Committee

PRINCIPLE TWO

Core Principle 2 – Members and Officers working together to achieve a 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	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 Conditions of Employment Member role profiles Website and its Datashare section	.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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 Head of Paid Service Constitution (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
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 1:2:1's	The Constitution will continue to be reviewed on a rolling basis. Effective transfer of responsibilities to new Leader of the Council.
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	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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 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
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 Heads of Service monitoring Service Plans Performance Management Board Performance management system Scrutiny Panel Trading Board Annual Governance Statements for the Council, Colchester and Ipswich Museums Service and North Essex Parking Partnership	Customers and Partnerships' strand of Senior Management Team meetings Customer insight work Datashare brings key performance and related data into one place on the website

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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	Strategic Plan underpinned by a review of all existing consultation work. Medium Term Financial Strategy Performance reporting and indicators Council Website Communications Strategy E-Courier and e-newsletters Trading Board Customer insight groups Fundamental Service Reviews	Strategic Plan for 2015 onwards. The development of this plan included focus groups with a representative sample of the local community, facilitated by an independent research company Establishment of Revolving Investment Fund Committee
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 Partnership Strategy Partnership Register	Community Hub at Colchester library brings a range of partners together to provide customer-facing services. Also the Essex County Council Relationship Manager role. 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"> ensure that there is clarity about the legal status of the partnership 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. 	Constitution Individual Partnership Agreements Service Level Agreements Advice given to Members in relation to outside bodies Partnership Strategy Partnership Register	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 the Council's intranet Performance reporting Governance 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	Staff survey and taking action on its findings Leadership Development Programme led by Executive Management Team Social media Datashare on the Council's website and on www.data.gov.uk supports the importance of openness and transparency Employee Assistance Programme introduced Leader's Listening Sessions introduced

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.1.1 continued	Planning Procedures Code of Practice Officer Register of Gifts and Hospitality Officer voluntary register of interests Members' Register of Interests Website and intranet Corporate Roadshows by Chief Executive for staff Portfolio Holder monthly sessions with senior officers "Corporate Governance" section on the Council's website bringing all relevant information together under one heading	
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	Member and Officer Codes of Conduct Performance management system Complaints procedures Anti-fraud and Corruption Policy Member/Officer Protocols Induction for new Members and staff Member Development Programme Member Personal Development Plans Officer training on Member/ officer relationship Whistleblowing Policy Information and Communication Technology (ICT) Security Policy Safeguarding Policy Hub (intranet) Annual review of Ethical Governance policies	Review of all HR Policies is underway Embedding the Council's core values of 'customer, business and culture' with identified attitudes and behaviours. The revised Job Accountability Statement/Person Specification template highlights the core values to applicants, and the revised staff appraisal scheme now 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

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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	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	
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 actions Implementation of Fundamental Service Review of Customer Contact.
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 Committee ICT Security Policy Annual reporting to Governance Committee	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.2.3 Develop and maintain an effective Standards Committee	Member conduct issues (standards) within remit of Governance Committee Agenda and Minutes Terms of Reference Regular meetings Work programme	Annual review of the Localism Act arrangements by the Governance Committee.
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	Embedding the core values with their underpinning attitudes and behaviours
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 Partnership Register Partnership Strategy	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 Scrutiny of partners and joint projects	Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny Taking issues and developments to the Trading Board as appropriate Joint Scrutiny Chairman's meeting
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 and its committees, panels and Trading Board Decision making protocols Record of decisions and supporting materials Report template Decision list published (members) Recordings of meetings on the website Website ,	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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 Committee have responsibility for these issues Monitoring Officer reports on these issues Politically restricted posts Ethical Governance Policies, and annual review	
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 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 "Help us get it right" on website with full details Annual letter from Local Government Ombudsman Customer insight work	
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 Head of Service with necessary technical expertise included Training and professional development Equality Impact Assessments Clear and well understood decision making processes with published timelines.	Datashare Projects carried out by the Council's Customer Demand and Research Team Customer insight work

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.	Introduction of Account Managers and Business Partners for Corporate and Financial Management 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 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 Hub 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	Introduction of Account Managers and Business Partners for Corporate and Financial Management 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 Datashare	Introduction of Account Managers and Business Partners for Corporate and Financial Management 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
5.1.1 Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis	Member training and development Member training records on the website Member and Officer Induction programmes Refresher courses Briefings Appraisals for officers People Strategy Personal Development Plans Learning and Development Strategy Charter Status for Elected member development	Member skills development Learning and Development Day in October 2016 for staff – highlighting training and e-learning opportunities Investigating possibilities of e-induction options for new starters when developing refreshed intranet
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	Appraisals Personal Development Plans Training and development 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

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	Appraisals 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	Member skills development Developing the training records on the Member Information System Talent Management/Career Track for staff
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	Appraisals 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	Member skills development Talent Management/Career Track for staff Learning and Development – commercial skills
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 Personal Development Plans Annual Training Plan Local Government Ombudsman Annual Letter	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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	Equality Impact Assessments on services and policies Consultations, Research and Statistics on website Voluntary Sector Grants programme Public meetings Equality Objectives Strategic Plan Consultation Local Development Framework consultation Community development work Consultations Customer insight work Research and Engagement Team projects Have Your Say! processes Appointment of Independent Persons	Community Enabling Strategy Community Budgets Use of social media
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 Member skills development Staff structure charts	Talent Management/Career Track - the SMT Talent Panel now meets to consider 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 Future Leader Programme Staff Recognition Scheme

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
6.1.1 Make clear to themselves, all staff and the community, to whom they are accountable and for what	Constitution Community Enabling Strategy Stakeholder identification Targets and Performance Monitoring Website and intranet Consultation Strategy Communications Strategy Datashare section on the Council's website brings together all information required under statutory codes such as including the 'Local Government Transparency Code 2015' to make this easily accessible	<p>A key part of the Government's Transparency agenda is to bring information together into one searchable website - www.data.gov.uk to provide clarity on these issues. The information on the Datashare section of the Council's website is now also being published on www.data.gov.uk</p> <p>Community Budgets 2016-17 (replaced Locality Budgets) 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 Communications Strategy Partnership Strategy and Register Scrutiny Panel and the Crime and Disorder Committee Work Programme Datashare	Ongoing review of Freedom of Information requests to see if there are items which could be put onto the website or Datashare, so that a repeat request would not be needed as the item had been made freely available. Examples have been business rate and public funeral information now published as a matter of routine.
6.1.3 Produce an annual report on scrutiny function activity	Annual Scrutiny Report	
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	Communications Strategy Websites and E-Courier Equality Impact Assessments Safeguarding Policies E-newsletters Datashare, Freedom of Information and Data Protection section of the website	Social media
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	Trading Board annual report
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 2015-18 Website - "Consultations, Research and Statistics" section Consultation strategy Communications strategy Community development work Equality Objectives and Equality Impact Assessments Budget Consultation Meeting E-newsletters	implementation plan FOR Fundamental Service Review of Customer Contact Community Enabling Strategy

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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 Communication 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	
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 2015-18 Website www.colchester.gov.uk Performance Reporting and Performance Indicators Council website has "Performance and Improvement", "Council Awards and Achievements" and "Council and Democracy" sections	Strategic Plan Action Plan – progress is reported to Scrutiny and Cabinet on a half-yearly basis Trading Board annual report A webpage has been set up to bring all annual reports into one central place on the Council's website for improved transparency

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>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</p>	<p>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 Communications Policy Data Protection Policy ICT Security Policy Council website Datashare, Freedom of Information and Data Protection section of the website National Fraud Initiative - Fair Processing Notice Egress Switch Secure Email Encryption</p>	<p>Community Hub at Colchester library brings a range of partners together to provide customer-facing services for customers of the Council and other organisations. This town centre location is easy to access for those who do not wish to self-serve or would like some assistance to do so online. It is open plan with a Welcome Zone where staff work with customers, but also includes areas where confidential discussions can be carried out if needed or appropriate</p> <p>Compliance project to meet 2016 update for security checks on staff who process official/sensitive information using the Public Sector Network or who need a secure .GCSX e-mail address</p>
<p>6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making</p>	<p>Investors in People Facilities and Recognition Agreement with UNISON Internal Communications Strategy Fundamental Service Reviews and other operational reviews include consultation and involvement arrangements as part of the process/staff communications</p>	<p>Staff survey and taking action on its findings</p> <p>Staff suggestion boxes</p>