

# Council Meeting

**Online Meeting, Virtual Meeting Platform  
Thursday, 03 December 2020 at 18:00**

## Information for Members of the Public

### Access to information and meetings

You have the right of access to all meetings of the Council, its Committees and Cabinet which may be conducted remotely such as by live audio or video broadcast / webcast. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is published on the Council's website at least five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

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

Occasionally certain issues, for instance, commercially sensitive information or details concerning an individual have to be considered in private. When this is the case an announcement will be made, the live broadcast will end and the meeting will be moved to consider in private.

### Have Your Say!

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

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

Members of the public can register to speak at the meeting using the form access via the link below. Members of the public need to register and submit a copy of their comments by 12.00 noon on the working day before the meeting.

[Council Have Your Say form](#)

**COLCHESTER BOROUGH COUNCIL**  
**Council**  
**Thursday, 03 December 2020 at 18:00**

**TO ALL MEMBERS OF THE COUNCIL**

**Published 03/12/2020**

**You are hereby summoned to attend a meeting of the Council to be held online on Thursday, 03 December 2020 at 18:00 for the transaction of the business stated below.**



**Chief Executive**

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

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

**Please note that Agenda items 1 to 6 are normally dealt with briefly.**

**Live Broadcast**

Please follow this link to watch the meeting live on YouTube:  
<https://www.youtube.com/user/ColchesterCBC>

**1 Welcome and Announcements (Council)**

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

**2 Have Your Say (Virtual Council Meetings)**

Members of the public may make representations to the meeting. Each representation may be no longer than three minutes (500 words). Members of the public may register their wish to address the meeting by registering online by 12.00 noon on the working day before the meeting date. In addition a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself. The Mayor will invite members of the public to make their representations at the start of the meeting.

3	<b>Declarations of Interest</b>	
	Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.	
4	<b>Minutes of the Previous Meeting (Council)</b>	
	A... Motion that the minutes of the meeting held on 21 October 2020 be confirmed as a correct record.	
	<b>Minutes 211020</b>	11 - 24
5	<b>Mayor's Announcements</b>	
	The Mayor to make announcements.	
6	<b>Items (if any) referred under the Call-in Procedure (Council)</b>	
	The Council consider any items referred by the Scrutiny Panel under the Call-in Procedure because they are considered to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.	
7	<b>Recommendations of the Cabinet, Panels and Committees</b>	
	Council will consider the following recommendations:-	
7(i)	<b>2019/20 Year End Review of Risk Management</b>	25 - 26
	B...Motion that the recommendation contained in minute 509 of the Cabinet meeting of 14 October 2020 be approved and adopted.	
7(ii)	<b>Review of Remote (Digital) Council Meetings</b>	27 - 32
	C...Motion that the recommendation contained in draft minute 229 of the Governance and Audit Committee meeting of 20 October 2020 be approved and adopted.	
7(iii)	<b>Review of the Statement of Licensing Policy – Licensing Act 2003</b>	33 - 34
	D...Motion that the recommendation contained in draft minute 121 of the Licensing Committee meeting of 11 November 2020 be approved and adopted.	
7(iv)	<b>Local Council Tax Support Scheme 2021 – 2022</b>	35 - 36
	E...Motion that the recommendation contained in draft minute 521 of the Cabinet meeting of 23 November 2020 be approved and adopted.	
7(v)	<b>Officer Pay Policy Statement for 2021/22</b>	37 - 38
	F...Motion that the recommendation contained in draft minute 522 of the Cabinet meeting of 23 November 2020 be approved and adopted.	
7(vi)	<b>Review of Ethical Governance Policies</b>	39 - 40

G...Motion that the recommendation contained in draft minute 233 of the Governance and Audit Committee meeting of 24 November 2020 be approved and adopted.

7(vii) **Local Code of Corporate Governance**

41 - 42

H...Motion that the recommendation contained in draft minute 235 of the Governance and Audit Committee meeting of 24 November 2020 be approved and adopted.

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

Council will consider the following Motions:-

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

8(i) **Reducing Inequality**

Motion I

Proposed jointly by Councillors Bourne and King

In July 2020 this Council agreed a Motion of Thanks recognising the considerable effort undertaken by many in our Borough during the pandemic crisis that in turn has created a force for good. We are all proud of the response of our Council, their officers, our partners and the wider community effort across the Borough of Colchester. Marcus Rashford MBE's campaign on feeding school children in the holiday helped to harness Colchester's community effort once again during the recent half term break, with over 2500 meals provided to families across the borough and a welcome promise by the government to fund food for families entitled to Free School Meals throughout 2021.

This Council believes that while the overwhelming majority of residents are playing their part in observing COVID regulations and a large number have taken on community volunteering roles, we are not 'all in this together'. When the pandemic is over the most vulnerable groups will still be vulnerable - economically, socially, academically and in their health and wellbeing outcomes. We cannot accept this.

Public Health England's Strategy 2020 to 2025 (September 2019) commits it to "work to narrow the health gap". This Council welcomes the work already undertaken by ECC Director of Public Health before and during the pandemic and notes that the national strategy includes ambitions to:

- reduce the overall rates of smoking and inequalities affecting lower socio-economic groups and vulnerable communities;
- advise and influence decision-makers on the effectiveness of actions to promote healthy indoor and outdoor environments (including their ability to reduce inequalities);
- reduce inequalities in premature mortality for people with

long-term and severe mental health problems;

- reduce inequalities across key markers of maternal and child health;
- develop new indicators to improve the monitoring of outcomes and inequalities in the early years and facilitate evaluations of early years services; and
- enhance insights into the population's health and health inequalities.

The result of this Motion will be to shine a spotlight on vulnerability in our Borough. There are families struggling on a low income and accessing the benefits system for the first time, adults with learning difficulties losing their weekly lifeline social clubs, those with disabilities isolated from their families and friends, and residents living in poor quality housing with lack of access to green space, all examples of increasing vulnerability.

Now it is time to recognise, track and address the inequality gaps made more visible during both lock downs. We want to see this Council and our partners discussing the wider determinants of health with outcomes to tackle the inequality gap that has widened during the pandemic.

This Council resolves to:

1. Report twice yearly on inequality across our borough using national, county and local profiles;
2. Instigate our own locality measures with outcomes that raise the life chances of particular vulnerable groups or neighbourhoods;
3. Consider the impact on inequality in our decision making;
4. Encourage formal and informal partnerships to contribute positively to reducing inequality across the borough;
5. Invite our MPs to take up the mantle of reducing inequality in the constituencies they represent.

As the motion relates to executive matters, it will stand referred direct to Cabinet unless Procedure Rules are suspended.

## **8(ii) Adoption of Amenities for New Housing Development**

Motion J

Proposer: Councillor Bentley

This Council recognises the frustrations of many residents who have bought new properties on new housing developments in Colchester when the local roads and other amenities have yet to be adopted and therefore residents are left at the mercy of the developers or their contractors to make good repairs to highways or fix streetlights or maintain open spaces or deal with flooding issues . All of these residents pay full Council Tax however, local Councillors are left to negotiate with developers on their behalf without any authority. This is unacceptable.

Therefore, this Council resolves to ensure that any new development of more than 20 properties is subject to a detailed

schedule and timetable drawn up and agreed by the developer and CBC Planning department of when works are to be completed and roads and fixtures are to be handed over for adoption. This should form part of the planning application. Failure to comply will result in penalties for the companies involved, to be agreed by Planners and Members.

As the motion relates to a non-executive matter it will be debated and determined at the meeting.

Main Amendment

Proposer: Cllr Barlow

The motion on Adoption of Amenities for New Housing Development be approved and adopted subject to the following amendments:-

In the first paragraph:-

- delete "All of these residents pay full Council Tax however," , and replace with "Councils and";
- after "are" insert "often".

In the second paragraph:-

- replace "resolves to ensure" with "believes",
- replace "is" with "should be",
- replace "and CBC Planning department" with "Planning, Highways and other relevant departments of Colchester Borough Council (CBC), Essex County Council (ECC) and other organisations".
- delete all words from "This should form..." ;

Add new paragraph as follows:

"This Council resolves to begin discussions with ECC Highways and other relevant organisations as appropriate to ascertain the feasibility and practicality of bringing in such a scheme, including resolving the issue of whether it would be possible to introduce under existing legislation. This Council also requests that the Borough's representatives on ECC and in the House of Commons provide the support necessary to further this proposal and the Planning Officers report progress and options to the Local Plan Committee and a final report is referred from that Committee to Full Council for discussion and approval no later than the July 2021 meeting.

If the approved, the amended motion would read as follows:

*This Council recognises the frustrations of many residents who have bought new properties on new housing developments in Colchester when the local roads and other amenities have yet to be adopted and therefore residents are left at the mercy of the developers or their contractors to make good repairs to highways or*

*fix streetlights or maintain open spaces or deal with flooding issues . Councils and local Councillors are often left to negotiate with developers on their behalf without any authority. This is unacceptable.*

*Therefore, this Council believes that any new development of more than 20 properties should be subject to a detailed schedule and timetable drawn up and agreed by the developer and Planning, Highways and other relevant departments of Colchester Borough Council (CBC), Essex County Council (ECC) and other organisations of when works are to be completed and roads and fixtures are to be handed over for adoption.*

*This Council resolves to begin discussions with ECC Highways and other relevant organisations as appropriate to ascertain the feasibility and practicality of bringing in such a scheme, including resolving the issue of whether it would be possible to introduce under existing legislation. This Council also requests that the Borough's representatives on ECC and in the House of Commons provide the support necessary to further this proposal and the Planning Officers report progress and options to the Local Plan Committee and a final report is referred from that Committee to Full Council for discussion and approval no later than the July 2021 meeting.*

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

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

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

(i) Councillor Barton

Could the Leader of the Council please give me an update on what progress has been made in re-letting the Old Library and the Cells in the Town Hall?

(ii) Councillor Hogg

Following a 2year journey of planning, consultation, and design, we now have a brand new fixed equipment play park in Alderton Road at a cost of approximately £40 K provided and paid for by Colchester Borough Homes, for which I and my residents are indeed very grateful. This will provide exercise and play for youngsters in an area of predominantly Social Housing .

Given the importance of exercise and play for all young people, could I ask the Portfolio Holder that given the present financial situation the Council finds itself in, what is the prospect of similar



provision on our private estates across the borough in the foreseeable future?

- 10     **Schedule of Portfolio Holder Decisions**     43 - 48  
Council is invited to note the Schedule of Portfolio Holder decisions for the period 3 October 2020 - 20 November 2020
- 11     **Urgent Items (Council)**  
Council will consider any business not specified in the Summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.
- 12     **Reports Referred to in Recommendations**  
The reports specified below are submitted for information and referred to in the recommendations specified in item... of the agenda:
- Review of Risk Management, report to Cabinet, 14 October 2020**     49 - 70
- Review of Meetings, Report to Governance and Audit Committee, 20 October 2020**     71 - 116
- Review of the Statement of Licensing Policy, report to Licensing Committee, 11 November 2020**     117 - 176
- Local Council Tax Support Scheme, report to Cabinet, 23 November 2020**     177 - 180
- Officer Pay Policy Statement 2021-22, report to Cabinet, 23 November 2020**     181 - 196
- Review of Ethical Governance Policies, report to Governance and Audit Committee, 24 November 2020**     197 - 278
- Local Code of Corporate Governance, report to Governance and Audit Committee, 24 November 2020**     279 - 312
- 13     **Exclusion of the Public (not Scrutiny or Executive)**  
In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

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

# Council

Wednesday, 21 October 2020

**Attendees:**

Councillor Christopher Arnold, Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Simon Crow, Councillor Robert Davidson, Councillor Paul Dundas, Councillor John Elliott, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Dave Harris, Councillor Chris Hayter, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Mike Hogg, Councillor John Jowers, Councillor David King, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Sam McCarthy, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Martyn Warnes, Councillor Lorcan Whitehead, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

**398 Prayers**

The meeting was opened with prayers by the Revered Canon Paul Norrington.

**399 Apologies**

The Mayor announced that apologies had been received from Councillor Jarvis.

Councillors Bourne, Fox, Harris, Jarvis, Liddy, Lilley, Pearson, Scordis, Warnes, Whitehead and J. Young were not present for the items at minutes 398-403.

**400 Election of the Mayor**

It was PROPOSED by Councillor Jowers, seconded by Councillor Goss and supported by Councillor G. Oxford and

*RESOLVED* that Councillor Robert Davidson be elected as Mayor of the Borough of Colchester for the remainder of the 2020-21 municipal year and for the 2021-22 municipal year.

Councillor Davidson took the customary oath and signed the declaration of acceptance of office.

Councillor Davidson then took the Chair and returned thanks for his election.

#### **401 Election of the Deputy Mayor**

It was PROPOSED by Councillor G. Oxford and *RESOLVED* that Councillor Tim Young be elected as Deputy Mayor of the Borough of Colchester for the remainder of the 2020-21 municipal year and for the 2021-22 municipal year.

Councillor Tim Young then signed the declaration of acceptance of office and returned thanks for his election.

#### **402 Vote of Thanks to Retiring Mayor**

It was PROPOSED by Councillor Goss and *RESOLVED* that the best thanks of the Council are due and are hereby accorded to Councillor Nick Cope for the admirable manner in which he has discharged the responsible duties of the Mayoralty during his period of office and that a transcript of this resolution under the Common Seal be furnished to him.

#### **403 Mayor's Chaplain and Other Announcements**

The Mayor announced that he had appointed the Reverend Dr Amanda Elmes to be his chaplain for his period of office.

The Mayor announced that he would be supporting the following charities:-

- Essex Air Ambulance
- Rural Community Council of Essex
- SSAFA
- St Helena Hospice
- East Anglia Children's Hospice
- Samaritans

The Mayor announced that the theme of his Mayoralty would be Helping Others.

#### **404 Have Your Say! (Virtual Meetings)**

A written statement submitted by Angel Kalyan pursuant to the provisions of Remote Meetings Procedure Rule 5(1) was read to Council. The statement called on elected members to address governance issues relating to statements made by the officers of the Council in respect of legal claim 9CO00038 she had brought against the Council.

Andrew Weavers, Monitoring Officer, was invited to respond to the statement. Claim 9CO00038 had been settled by Court Order in October 2011. A further claim brought Mrs Kalyan had been struck out by the Court as an abuse of process. As these matters had been settled by the Court the Council would not respond to these accusations she raised any further.

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

*RESOLVED* that the minutes of the meetings held on 15 July 2020 and 12 August 2020 be confirmed as a correct record.

#### **406 Better Colchester Strategic Plan 2020-2023**

*RESOLVED* that the recommendation contained in draft minute 494 of the Cabinet meeting of 2 September 2020 be approved and adopted.

#### 407 Changes to the Hackney Carriage and Private Hire Licensing Policy

*RESOLVED* that the changes to the Council's Hackney Carriage and Private Hire Licensing Policy set out in paragraphs 5.4 to 5.8 of the Assistant Director's report be approved and adopted.

#### 408 Planning for the Future

It was PROPOSED by Councillor Cory that:-

*This Council notes the publication of the Planning White Paper Planning for the Future and expresses its concerns about the proposals it contains.*

*Current planning laws are already in favour of development with 90% of planning applications approved and approximately one million unbuilt permissions sitting with developers nationwide. Proposals outlined in the Planning White Paper Planning for the Future further distances local residents and local democracy from the planning process.*

*This Council therefore resolves to object to any potential detrimental national and local planning policies and calls on our three MPs representing Colchester Borough to support the following consultation responses:*

- **Diminishing local input:** *The proposals contained within the White Paper risk diminishing the role of planning authorities, planning committee members and ward councillors. Automatic permission granted in "growth areas" and permission in principle in "renewal areas, give no democratic oversight of local development;*
- **Sites already have permission:** *The million sites nationwide currently in the system with existing planning permissions for houses that have not yet been built, or even started to be built, along with the high proportion of planning applications that are agreed, are a clear sign that the planning process is not a barrier to development;*
- **Give Local Authorities, Parish, Town and Community Councils more power and resources:** *While the current planning system is not perfect this is at least in part due to reductions in central government funding to local planning authorities which have, in turn, led to local authorities reducing expenditure on planning services. Such reductions have affected both the processing of planning applications and enforcement activities;*
- **Targets for Affordable Housing must be met:** *Strengthen our hand in providing affordable housing and reform viability assessment criteria that allow developers to get away without providing adequate affordable housing.*
- **Net-zero Carbon development needed now:** *Implement a much earlier target for net-zero carbon standards for new build-housing. 2050 is too late, investment must be given to enable net-zero building from now on;*

- **Contributions must benefit communities not developers:** The ‘nationalisation’ of the level of developer contributions could assist large national developers at the expense of local communities. Faster is not always better when local community infrastructure requires thoughtful development. Proposals must encourage the use of local, small and medium developers, as well as self-build;
- **Neighbourhood Plans:** Neighbourhood Plans are an effective tool for the community to shape local areas, including local infrastructure, services and housing. They must be supported and strengthened in any future planning reforms.

*In addition to making these points to the government, we ask that our three MPs support Colchester Borough Council’s ‘Planning for the Future: White Paper August 2020’ Consultation response.*

On being put to the vote the motion was approved and adopted (UNANIMOUS)

#### **409 Saving Paxman Factory**

**Councillor Barber (in respect of his family’s ownership of a manufacturing business) and Councillor J. Maclean (in respect of her business undertaking business with Paxmans) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

It was PROPOSED by Councillor Scordis that:-

*This Council notes the sad news that Colchester's historic Paxman factory is due to close as MAN Energy Solutions look to uproot to Stockport. This will lead to the end of the manufacture of Colchester's historic diesel engine, which has previously been used by the Ministry of Defence and British train stock, until contracts were cancelled for cheaper models outside Britain.*

*This Council also calls on Will Quince MP to lobby the Ministry of Defence and train companies to look at providing contracts to Paxmans to keep this historic factory running and protect local jobs and manufacturing in Colchester.*

A main amendment was proposed by Councillor Dundas as follows:-

*That the motion on Saving Paxman Factory be approved and adopted subject to the following amendments.*

*In the second sentence of the first paragraph, the deletion of the words “, until contracts were cancelled for cheaper models outside Britain.”*

*The addition of the following words at the end of the first paragraph: “As we move*

*towards a carbon neutral economy and more trainlines are electrified the demand for these diesel engines is inevitably declining but it is regrettable that investment was not made in Colchester by MAN to enable a move to manufacture renewables and other modern power plants “*

*The addition of the following words at the start of the second paragraph: “As preference for UK manufacturers is currently not possible under EU public procurement law outside of security critical areas, “*

*The deletion of the following words in the second paragraph “train companies to look at providing contracts to Paxmans” and their replacement with the following words: “Department of Transport to take advantage of any new rules which may apply after the end of the transition period on December 31 2020 and look at giving preference to UK manufacturers, and to MAN Energy Colchester in particular, in procurement matters”*

Councillor Scordis indicated that the main amendment was not accepted. On being put to the vote the main amendment was approved and the motion was deemed amended accordingly (TWENTY THREE voted FOR, SIXTEEN voted AGAINST and SEVEN ABSTAINED from voting). The revised wording of the motion was as follows:-

*This Council notes the sad news that Colchester's historic Paxman factory is due to close as MAN Energy Solutions look to uproot to Stockport. This will lead to the end of the manufacture of Colchester's historic diesel engine, which has previously been used by the Ministry of Defence and British train stock. As we move towards a carbon neutral economy and more trainlines are electrified the demand for these diesel engines is inevitably declining but it is regrettable that investment was not made in Colchester by MAN to enable a move to manufacture renewables and other modern power plants.*

*As preference for UK manufacturers is currently not possible under EU public procurement law outside of security critical areas, this Council also calls on Will Quince MP to lobby the Ministry of Defence and Department of Transport to take advantage of any new rules which may apply after the end of the transition period on December 31 2020 and look at giving preference to UK manufacturers, and to MAN Energy Colchester in particular, in procurement matters to keep this historic factory running and protect local jobs and manufacturing in Colchester.*

On being put to the vote the motion as amended was approved and adopted (FORTY FIVE voted FOR, NONE voted AGAINST and TWO ABSTAINED from voting).



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

Questioner	Subject	Response
Oral questions		
Councillor Moore	Why had the North Essex Parking Partnership (NEPP) failed to consult with businesses and Councillors before installing double red lines on Coast Road and Victoria Esplanade, West Mersea. The impact on businesses was such that the lack of consultation on the grounds that the lines were temporary was not justified. To have “no stopping” restrictions along the length of Victoria Esplanade when car parks were closed was absurd, and mesh matting should be used to allow car parks to be open all year.	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that a written response would be sent.
Councillor Moore	When was the revised response to the Bradwell B consultation sent? Why had the response not been shared with Councillors as had been promised?	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that a written response would be sent.
Councillor Barton	She had been campaigning for the Council to plant wild flowers on verges. Could the Portfolio Holder provide an update on progress on this issue?	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation explained that Cabinet had recently adopted a wilding policy, which listed some areas that would be allowed to grow wild. The Council was liaising with Essex County

		<p>Council on how that policy could be extended, whilst maintaining highway safety, and they were supportive of the work. As well as allowing areas to grow wild, the Council was looking at seeding wild flowers in some areas.</p>
<p>Councillor Barton</p>	<p>Given the reports of how the Covid 19 pandemic had impacted on tourism, could the Portfolio Holder provide an update on how the Castle was faring?</p>	<p>Councillor J. Young, Portfolio Holder for Culture and Performance, explained that the Castle was a very safe environment for visitors. Whilst numbers were down to approximately 70% of the previous year's levels, this compared well with other regional museums which were down on average to approximately 30-50% of normal levels and national museums which were down to approximately 12%. The Castle also had a Turner painting on display, which would help attract visitors. It was continuing its educational work by providing resources to schools who were unable to visit.</p>
<p>Councillor Scott-Boutell</p>	<p>Could the Portfolio Holder provide an update on the CCTV upgrade in the town centre? How was it funded and what were the upgrades?</p>	<p>Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that a written response would be sent, although he would not be able to provide</p>

		details of the camera locations.
Councillor Harris	From his work with Schools in Bloom he was aware of the valuable work that Firstsite did in the community. Could the Leader of the Council find a way of thanking Sally Shaw MBE for their work throughout the pandemic?	Councillor Cory, Leader of the Council and Portfolio Holder for Strategy indicated that he would acknowledge the work done by all the major arts organisations in Colchester.
Councillor Hazell	Could the Portfolio Holder provide an update on the report by the surveyors on the Eudo Road Tennis Centre?	Councillor Higgins, Portfolio Holder for Commercial Services, explained that the Council had to make difficult decisions in view of the current budget position. The site needed considerable investment in order to future-proof it and the extent of that needed to be ascertained. Decisions would need to be made as to whether that would provide good value or that the funding could be better invested elsewhere. However no decision had been made and she had not yet received the surveyors report. Ward Councillors would be updated when more detailed information was available.
Councillor Scott-Boutell	Could the Portfolio Holder provide a reassurance that trees planted as part of the Woodland Project were	Councillor King, Portfolio Holder for Business and Resources, explained that it was inevitable that the

	being monitored, particularly in view of the dry summer?	dry summer would have an impact on some of the trees and the results of the planting had been variable. This would be picked up in the next phase of planting work, and there were plans to plant another 10,000 trees. Details would follow shortly.
Councillor Scott-Boutell	Could the Portfolio Holder update Council on the progress of the 100 Homes Project?	Councillor Fox, Portfolio Holder for Housing, explained that this was an investment of £22 million to purchase 100 ex-Council homes. Ten properties had already been located. All the properties would be brought up to a Band B energy rating. The project contributed to a wider house building programme and building was underway at Creffield Road and in Aldham, and further sites were on stream.
Councillor Pearson	Would the Portfolio Holder for Commercial Services join with him in congratulating the political and managerial leadership of the Council for the award of Best Commercial Council at the Municipal Journal awards? Did the Portfolio Holder agree that the judges' comments on the District Heat Network demonstrated the administration's green credentials?	Councillor Higgins, Portfolio Holder for Commercial Services, expressed her thanks to all the officers involved. She explained that the judges had recognised the Council's vision in establishing the three trading companies, and had particularly singled out Colchester Commercial Holdings Ltd's achievements to date. These included the District Heat Network at Northern

		Gateway, its house-building programme, the development of Northern Gateway Sports Park and the delivery of ultra-fast broadband. She agreed that the judges' comments were an endorsement of the administration's green credentials.
Councillor Luxford Vaughan	Could the Clean Air Project be rolled out to other wards outside the town centre? Wivenhoe had air quality issues, particularly around schools, where re-education was required. Were there plans to monitor the air quality in Wivenhoe?	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that the project had started in the most polluted areas, such as Brook Street. However, the project would work with schools across Colchester and that could include Wivenhoe. Air quality was monitored across Colchester. He would check the position in Wivenhoe and provide details.
Councillor Barber	Would the Portfolio Holder agree that following the debate on Paxmans that a plan for green manufacturing and green jobs at the heart of a new Economic Strategy for the borough on the agenda for the next meeting of the Local Plan Committee?	Councillor J. Young, Portfolio Holder for Culture and Performance, indicated this would be worthwhile and that she would raise the issue with the Chair of the Local Plan Committee.
Councillor Barber	Following a planning appeal that the Council had recently lost relating to Braiswick, the Inspector had concluded that the Council had behaved unreasonably and	Councillor J. Young, Portfolio Holder for Culture and Performance, indicated that a written

	<p>therefore costs had been awarded against the Council. Could an urgent review be undertaken to see what had gone wrong, as it would impact on the deliverability of Part 2 of the Local Plan.</p>	<p>response would be provided.</p>
<p>Councillor Goacher</p>	<p>In respect of the procurement of the land for the Alumno site that was covered by the covenant, could the Portfolio Holder explain why as ward councillor he could not see the objections to the acquisition of the land? Why did the Council not simply state that it did not want to override the covenant?</p>	<p>Councillor King, Portfolio Holder for Business and Resources, acknowledged that the Council had a statutory duty in relation to Freedom of Information and a duty to provide all members with the information they needed. The issue was not about the procurement of the land. The Council had a contractual relationship with Alumno, from which certain obligations resulted. These included due process on the issue of appropriations. This would not result in the loss of rights, but a time limited suspension. All members would have a right to see the Part B information that would be considered by Cabinet when it considered the information but this would be presented in a way that respected individual rights and GDPR considerations. The Council had a duty to do what it could to promote its local economy, particularly given the current situation. The Alumno scheme was</p>

		£40 million investment on a site where successive developments had failed and would generate jobs and increased footfall in that part of the town centre.
Councillor Warnes	Would the Portfolio Holder continue with the budget workshops in line with the recommendation of the Policy Panel that there should be greater participation in the budgeting process	Councillor King, Portfolio Holder for Business and Resources, indicated that the workshops would continue. Three had been held to date and considerable valuable information had been shared with members.
Councillor Willetts	Could the Portfolio Holder consider changing the system for reporting missed collections of waste and recycling so that it operated in as close to real time as possible?	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, indicated that a written response would be sent.
Councillor Bentley	Could the Portfolio Holder confirm that the revised response to the Bradwell B consultation had been sent, and if so, what did it say?	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, confirmed that the response was sent. He thought it had been shared with all councillors, but he would arrange for it to be circulated.
Councillor Crow	Could the Portfolio Holder explain why missed waste and recycling collections at the Mill Apartments at Grosvenor Place were so frequent. Residents of flats did not have the space to store rubbish or recycling, or kitchen waste caddies. Therefore when the waste	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, indicated that a written response would be sent.

	was not collected, or the waste storage facilities were full, it attracted wildlife and vermin.	
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#### **411 Schedule of Portfolio Holder Decisions**

RESOLVED that the schedule of Portfolio Holder decisions for the period 3 July 2020 – 2 October 2020 be noted.



**Extract from the minutes of the Cabinet meeting of 14 October 2020**

**509. 2019/20 Year End Review of Risk Management**

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

Councillor King, Portfolio Holder for Business and Resources, stressed that the approach to risk management set out in the report reflected good practice and had been endorsed by the Governance and Audit Committee. Whilst risk could be not be eliminated, particularly in such challenging times, the Council had robust processes to manage and mitigate it. The success of the approach was demonstrated by the reduction of the level of some risks, for example Data Protection, which had been reduced from red to an amber risk.

*RESOLVED* that:-

- (a) The Council's progress and performance in managing risk during the period April 2019 to March 2020 be noted.
- (b) The current strategic risk register be noted.
- (c) The proposed risk management strategy for 2020/21 be approved and *RECOMMENDED* to *FULL COUNCIL* that it be included in the Council's Policy Framework.

*REASONS*

Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore, the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.

During the year progress reports are presented to the Governance and Audit Committee, detailing work undertaken and current issues. This report was presented

to the Governance and Audit Committee on 8 September 2020, where they approved its referral to this meeting.

As part of the Policy Framework, any changes and reviews of the strategy need to be approved by Cabinet and ratified by Full Council.

#### *ALTERNATIVE OPTIONS*

No alternative options were proposed.

**Extract from the minutes of the Governance and Audit Committee meeting on 20 October 2020**

**229.Review of Remote (Digital) Council Meetings**

Andrew Weavers, Strategic Governance Manager, attended to present the report and assist the Committee with their enquiries. The Committee heard that the report had been prepared prior to the majority of Essex being placed into the Government's high level 'Tier 2' restrictions in relation to the Covid-19 pandemic, however, it was felt that this served to emphasise the recommendations contained within the report. In the future the safety of Councillors and Officers had to be of paramount importance, and concerns around the health of Officers and Councillors should be taken into account when considering the need for face to face or hybrid meetings at the time being.

The Committee were advised that carrying out remote meetings was authorised under Regulations introduced in April 2020, however, these are due to expire on 6 May 2021 unless extended by the Government. Andrew considered that Local Authorities should have the flexibility to continue to hold meetings remotely beyond this date, as it looked as though remote meetings would be a necessity for the duration of the current municipal year.

The Committee were reminded that public meetings were currently being held using Zoom, and broadcast to the public via the Council's YouTube channel. As part of the review of these remote meetings, a survey of Councillors, Officers and the public had been undertaken, leading to responses from thirty two Councillors and thirteen Officers, but sadly no responses from members of the public, despite the deadline for responses having been extended. Despite the lack of public response, it was pointed out that levels of public engagement with Council meetings was higher than ever before.

The results of the Councillor and Officers surveys had been collated in the report, and Members were advised that overall there had been a positive reaction to remote meetings, together with the work that had been undertaken by the Democratic Services and IT teams. Drawing some key statistics from the survey responses demonstrated that overall, sixty three percent of Councillors were in favour of remote or hybrid meetings, with ninety percent of responses indicating that the correct equipment possessed to allow participation in remote meetings. Andrew noted that some references had been made to the provision of a second computer screen for Councillors to assist their participation in remote meetings, confirming that this would be arranged any Councillor who wished it. Continuing to look at the results of the survey, eighty eight percent of Councillors felt that they had received sufficient

training to enable them to participate in remote meetings, and additional training would be made available for any Councillor who requested it.

With regard to the Have Your Say! arrangements at remote meetings, the Committee heard that these were working well, including where representations were being made on behalf of third parties. It was suggested that the ability to contribute remotely to all meetings should be retained in the future.

The attention of the Committee was drawn to the viewing statistics for public meetings which were contained within the report. It was pointed out that a comparison to the number of listeners to the audio broadcasts of meetings from the previous year, revealed a rise of sixty four percent when compared with the number of views of remote meeting broadcasts.

With regard to behaviours in meetings, seventy two percent of Councillors felt that the Remote Meetings Protocol was helpful. Some areas of concern had been highlighted, for example Members disappearing from their screens during a meeting, and although some of the issues were addressed by the Protocol, the Committee may wish to consider how this would be refined further to provide greater assistance.

The move to providing only digital agendas had been a success, with significant savings made on printing, and the provision of only digital agendas would continue in the future, unless there was a demonstrable need for a printed agenda document to be provided for individual Councillors.

It was proposed that Committee briefing meetings should continue to be held remotely as a matter of course, but that individual Committee Chairs should retain the flexibility to be in a room with Officers if necessary during a meeting if the business being dealt with was complicated or the meeting had a particularly large number of participants.

The mechanisms used for taking decisions in remote meetings were considered, and the Committee heard that formalising decisions taken in meetings potentially presented its own problems, particularly when all participants were not visible on the screen at the same time. It was suggested that the rules be revised to consider when a named vote was required, or when a decision could be taken less formally. It was pointed out to the Committee that, with a couple of notable exceptions, the length of meetings had only increased by a small amount on average, and the majority of Councillors who responded to the survey felt that the current times allowed for breaks were adequate. In spite of this, sixty nine percent of Councillors felt that the current maximum of four hours for a meeting was too long, and the Committee was invited to consider whether any change in the rules was appropriate.

It was suggested that Officers undertake further work on the potential provision of more sophisticated equipment to further support ongoing remote or hybrid meetings, with a further report on this subject to be presented to this Committee in due course. However, it was noted that there was currently no budget available to fund this.

In conclusion, Andrew recommended that the Authority continue with remote meetings but keep them under review. Hybrid meetings were an option for the future,

provided health and safety concerns could be dealt with, and Officers and Councillors were happy to attend these. Hybrid meetings were, however, not being recommended at this time.

Councillor Pearson expressed his thanks to Officers for the work undertaken in getting the remote meetings running so smoothly, and he remarked on the importance of the etiquette of remote meetings and presenting to the public and colleagues in an appropriate manner.

Councillor Goacher confirmed that he would support all the six proposals contained within the report, and he felt that the Council should not return to 'in person' meetings during the current Covid situation, although he would support hybrid meetings in the future. Speaking strictly of a time post-Covid, Councillor Goacher did express some concerns around the ability of all residents to be able to use technology to access remote meetings, and commented that remote meetings also removed some of the social, collaborative and ceremonial aspects of more traditional public meetings. Having studied the report, Councillor Goacher confirmed that he was particularly pleased with the level of engagement with public meetings via YouTube, with some meetings having been viewed hundreds of times, which was far in excess of attendance for physical meetings. Councillor Pearson supported the comments made, and he would support some meetings being carried out remotely ad infinitum where this was appropriate.

Councillor Dundas agreed with Councillor Goacher's comments, and he felt it important that in the future at least meetings of full Council were held in person as this would only be five times a year and would show the public some of the work of the Council. He consented that any future meetings would be dependent on government guidance following the ending of the current regulations on 7 May 2021. Councillor Dundas confirmed his support for the recommendations in the report, and commented on some of the survey outcomes, explaining that he did not feel that remote meetings were necessarily longer, and noting that remote meetings seemed to be more popular with officers than Members.

Councillor Pearson added his support to a review of the equipment being used and provided to Councillors and Officers with the intention of ensuring that participation in remote meetings was as easy as possible.

Councillor Willetts confirmed to the Committee that he would be happy to continue with remote meetings for ever and suggested that the Council lobby government as strongly as possible to ensure that this was possible in the future. He expressed his belief that the way that Local Government carried out business would change fundamentally in the future, particularly in areas like Colchester which included large rural areas with Councillors who had to journey some distance to attend physical meetings. He reminded the Committee that the purpose of any Committee was to take decisions, and not to provide entertainment, and he suggested that increased viewing of meetings should not necessarily be taken as an indication of successful governance. Councillor Willetts went on to express sought assurances as to how remote meetings would work with professionals attending and actively participating in the meeting. He further enquired whether the Protocol could be revisited to clarify whether or not Councillors were required to have their cameras on throughout the entirety of a meeting, citing examples where Councillors may wish to turn their cameras off by way of protest at a point being made in a meeting. He confirmed that

he was an advocate of holding more frequent meetings remotely as these did not place the same strain on Officers and Councillors with regard to travel time, but that the more frequent meetings should then be shorter in duration. Councillor Willetts final point was to urge consideration be given to a more formal webcast system if there was ever a return to formal meetings, and that budget issues should not stop the Committee supporting this.

Councillor Pearson noted the comments about the length of meetings, and he raised the potential health issue of spending too long in front of a computer screen, suggesting that it may be more appropriate to introduce a break in meetings after ninety minutes.

Councillor McCarthy expressed his strong disagreement with points previously made that remote meetings should continue forever, as he felt that wholly remote meetings were damaging to democracy and decision making, which was better done in person or via hybrid meetings, once this was possible again. He also addressed points previously made about the length of meetings, and he felt that meetings were not too long, and there had only been two meetings which had approached the four hour mark, with the average meeting being about two hours in length, which was appropriate. Councillor McCarthy further requested that an additional report on remote working be presented to this Committee in March 2021, to re-evaluate the position in the light of the situation at that time.

Councillor Barlow suggested that the change in the way meetings were being held would lead to a change in the way that they were expected to be held in the future. With many people now used to remote meetings for their work, careful consideration was needed to determine which business needed to be dealt with in person, and which could be dealt with remotely, and the Council would need to adapt to people's changing expectations. He supported the use of remote meetings for briefings, and suggested that the use of the 'chat function' contained within remote meeting software should be considered during public meetings, as this may enable simple questions to be asked and answered quickly without having to interrupt the main meeting. He also considered that ways of voting in remote meetings should be considered to potentially avoid the need for taking a roll call of Members each time a decision was required which could be time consuming, particularly in a Full Council meeting.

Andrew Weavers confirmed that he did not envisage a complete return to meetings in person after the pandemic, but rather considered that a form of hybrid meetings should be adopted to allow those Members who wished to, to attend in person. This would also allow Officers and members of the public to address the meeting remotely, and in offering more flexibility would allow greater participation in Council meetings.

*RECOMMENDED* to Full Council:

- (a) All meetings continue to be remote (digital) by default and hosted via Zoom and live streamed by YouTube for the remainder of this municipal year. However, this be kept under review in the light of evolving Government guidance and legal requirements.

- (b) All briefings for committee and panel chairs and group spokespersons be held remotely.
- (c) The possibility of hybrid and face to face meetings be considered when both Government Guidance and legislation permits and following a Covid- 19 health and safety risk assessment for each meeting.
- (d) Chairs of meetings retain flexibility to determine how formal votes are conducted taking into account the following principles:-
  - (i) Non-controversial items be agreed by the chair asking participants to indicate verbally whether anyone is against a proposal.
  - (ii) Where the subject matter is controversial or relates to a quasi -judicial matter, a roll call of councillors be taken to ensure transparency.
- (e) Chairs of meetings retain the option of being physically present with officers when required, suitably socially distanced, whether it be due to procedural complexity of the meeting or of the nature of business to be transacted.
- (f) Government be lobbied to extend the Regulations to enable remote and hybrid meetings to continue beyond May 2021.





**Extract from the draft minutes of the Licensing meeting on 11 November 2020**

**121. Review of the Statement of Licensing Policy – Licensing Act 2003**

Sarah White, Senior Licensing Officer, attended to present the report and assist the Committee with their enquiries. The Committee heard that the consultation period for the review of the Statement of Licensing Policy had finished, and that no comments had been received in respect of the proposed Policy during this period. Sarah indicated to the Committee that the policy had been left largely unaltered due to the current uncertainty brought about by the coronavirus outbreak, and the affect that this would have on the licensed trade both now and in the future. In the light of this, it was proposed that the Policy would be the subject of a thorough review in the future, once the position was clearer. The changes that had been made to the Policy (and which Members were advised were highlighted in bold type in the document) were minor, and necessary to bring the document up to date, and Members were requested to recommend that the updated Policy be recommended to Full Council for implementation on 1 January 2021.

Councillor Harris noted that there had been an addition to the Policy referring to Colchester's Business Improvement District (BID), which he felt was timely and welcome.

*RESOLVED* that the Policy, attached at Appendix 1 to the report, be approved, and its adoption be recommended to full Council for implementation from 1 January 2021.



**Extract from the draft minutes of the Cabinet meeting on 23 November 2020**

**521. Local Council Tax Support Scheme 2021 – 2022**

The Assistant Director, Customer submitted a report a copy of which had been circulated to each Member.

Councillor King, Portfolio Holder for Business and Resources, stressed the importance of the Local Council Tax Support Scheme. It was one of the most generous schemes in Essex and helped over 9000 residents in the borough. In view of the economic consequences of the Covid 19 pandemic it would help even more residents in 2021-22. It was a demonstration of the administration's commitment to the most vulnerable, in the line with its Strategic Priorities.

*RESOLVED* that:-

(a)The current working age entitlement be maintained for the fiscal year effective from 1 April 2021.

(b)It be noted that the only amendments from the current scheme are the prescribed regulations and mandated national legislative amendments.

*RECOMMENDED TO COUNCIL* that the Local Council Tax Support Scheme be approved and adopted.

*REASONS*

Legislation requires that the scheme, effective from 1 April 2021, is agreed by March 2021.

*ALTERNATIVE OPTIONS*

Changes could be made to the scheme. However, stability to the scheme is being recommended as this will provide residents with support and consistency within the context of the Covid-19 pandemic and the resultant financial instability.



**Extract from the draft minutes of the Cabinet meeting on 23 November 2020**

**522. Officer Pay Policy Statement for 2021/22**

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

Councillor King, Portfolio Holder for Business and Resources, stressed the importance of the Officer Pay Policy Statement in terms of transparency. He drew particular attention to the pay multiplier, which demonstrated that pay to senior staff was either in line or slightly below that of peer organisations. In view of the size of the borough and the scale of the challenges faced this demonstrated good value for money. The gender pay gap was in favour of women. The Council's commitment to the Living Wage for its employers and contractors made a real difference to living standards.

Concern was expressed about the impact of the £95,000 cap on public sector exit payments which would effectively penalise long serving staff on mid-range salaries.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, Councillor Higgins, Portfolio Holder for Commercial Services and Councillor Fox, Portfolio Holder for Housing, supported the Officer Pay Policy Statement and noted in particular the gender pay gap, and reiterated the concerns around the exit gap.

Cabinet expressed its thanks to all officers for their hard work throughout the year dealing with the challenges of the Covid 19 pandemic.

*RECOMMENDED TO COUNCIL* that the Officer Pay Policy Statement 2021/22 be approved and adopted.

**REASONS**

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

**ALTERNATIVE OPTIONS**

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



**Extract from the draft minutes of the Governance and Audit Committee meeting of 24 November 2020**

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

Andrew Weavers, Strategic Governance Manager, attended to present the report and assist the Committee with their enquiries. The Committee were reminded that the Ethical Governance Policies were the key policies which set out the standards of conduct and integrity that the Colchester Borough Council (the Council) expects from its Councillors, staff and all partners when conducting Council business. In 2018, the Council adopted a statement of intent in relation to both ethical and corporate governance, which gave a high commitment to zero tolerance of fraud, corruption and bribery, and it was now appropriate to review this. The Committee heard that none of the policies incorporated within the Council's ethical governance framework had needed to be invoked during the past year, and following a complete review of these policies no changes were proposed to them, save for the Council's Covert Surveillance Policy. It was explained to the Committee that in March 2020 the Council had been visited by the Investigatory Powers Commissioners Office (IPCO), as had a number of other Local Authorities in Essex. The inspection had been carried out as a virtual inspection rather than a physical one, and policies and procedure had been examined. The policy was found to be sound, but some recommendations had been made as to how the policy could be improved, which had been included in the updated policy document before the Committee.

Councillor Willetts commented on the Income and Debt Management Policy and the fact that the Portfolio Holder wrote off sums of money in unrecoverable business rates every year. Councillor Willetts was not suggesting that the Policy was at fault or inadequate, but he sought clarification on whether or not there were any imminent changes in legislation that would allow this money to be recovered. Councillor King, Portfolio Holder for Business and Resources responded to Councillor Willetts, confirming that debt collection action that was taken was as robust as possible within the legislative framework. He pointed out that although the sums that had to be written off would be significant to an individual, they were not significant on an organisational scale to the Council. He praised the award winning revenues team of the Council and their extremely high debt collection rate, but made the point that some revenue simply could not be recovered. In Councillor King's opinion, the Policy was robust and suitable, and supported the Council in delivering its obligation to residents to have the minimum amount possible of non-recoverable debt.

*RESOLVED* that;

1. It be *RECOMMENDED TO FULL COUNCIL* that it adopts the statement of intent in relation to ethical governance.

2 The following revised policies were reviewed, and it was *RECOMMENDED TO FULL COUNCIL* that they be approved for inclusion in the Council's Policy Framework.

Anti-Fraud and Corruption

Whistleblowing

Anti-Money Laundering

Covert Surveillance

Information Security

Data Protection

Acceptable Use

Data Retention

Income and Debt



**Extract from the draft minutes of the Governance and Audit Committee meeting of 24 November 2020**

**235. Review of Local Code of Corporate Governance**

Hayley McGrath, Corporate Governance Manager, attended to present the report and assist the Committee with their enquiries. The Committee heard that each Local Authority had a local Code of Corporate Governance based on the principles contained in guidance issued by The Chartered Institute of Public Finance and Accountancy (CIPFA), and The Society of Local Authority Chief Executives (SOLACE) and this contained the activities that the Council had undertaken, and would undertake, to implement the six core principles set out in The Code, and ensure that the highest governance standards were in place. The code was reviewed annually to ensure that the principles are still being met, and what further work can be undertaken as an organisation that would demonstrate compliance with the principles. No significant changes had been made to the Code this year, however, it had been updated to reflect the strengthening of compliance with the principles, including the implementation of two new Panels, The Policy Panel and the Environment and Sustainability Panel, together with community engagement via the digital access programme, electronic training for officers and the coronavirus response and recovery actions. The Committee were requested to review the updated Code of Corporate Governance for 2020-2021, and recommend to Full Council that the updated Code be included in the Council's Policy Framework.

*RECOMMENDED TO FULL COUNCIL* that the updated Local Code of Corporate Governance for 2020/21 be approved for inclusion in the Council's Policy Framework.



**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
3 October 2020 – 20 November 2020**

Portfolio – Business and Resources					
Date	Number	Report Title	Author	Decision	Result
10/11/20	OFF-002-2-	Use of The Old Library by Colchester Amphora Trading Ltd	Andrew Tyrrell	To approve the inclusion of the Old Library (West Stockwell Street) as part of the lease for The Town Hall, to, Colchester Amphora Trading Ltd, for a term of up to 7 years. To commit to a one-off expenditure of up to £53,000 required to bring the Old Library back into beneficial commercial use. To delegate all subsequent, consequential, details relating to the above lease and financial arrangements to the Assistant Director for Place & Client Services, in consultation with the Portfolio Holder for Business and Resources. To note that “The Cells” and “Court Rooms” will continue to be commercially marketed.	Decision agreed 17/11/20

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
3 October 2020 – 20 November 2020**

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

Portfolio – Communities, Well Being and Public Safety					
Date	Number	Report Title	Author	Decision	Result
No decisions in this period					

Portfolio – Culture and Performance					
Date	Number	Report Title	Author	Decision	Result
8/10/20	CUL-002-20	Proposed Consultation Response to the Planning for the Future White Paper	Karen Syrett	To submit the proposed response to the Ministry of Housing, Communities and Local Government by the deadline on 29th October	Decision agreed 29/10/20

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

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
3 October 2020 – 20 November 2020**

Portfolio – Housing					
Date	Number	Report Title	Author	Decision	Result
3/11/20	HOU-007-20	Award of Contract Arrangement for Works in the 100 Homes Project	Clare Lawrance	<p>To award a side letter to the existing contract with Breyer Group for Voids Works to the Housing Stock.</p> <p>To agree that in the event of any unforeseen issue(s) in proceeding with the above arrangement, a procurement exercise be undertaken to appoint a new contractor.</p>	Decision agreed 18/11/20
5/11/20	HOU-008-20	Award of contract for the replacement of 100 kitchens in the housing stock	Clare Lawrance	<p>To award a contract to Seagers for the replacement of 100 Kitchens in the Social Housing Stock.</p> <p>To agree that in the event of any unforeseen issue(s) in proceeding with the above first-placed contractor, the contract would then be awarded sequentially to the second-placed, or third-placed contractors in order.</p>	Decision agreed 19/11/20
6/11/20	HOU-009-20	Electrical Safety and Testing Policy	Suzanne Norton	Approval of the updated Policy	Decision agreed 13/11/20

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
3 October 2020 – 20 November 2020**

19/11/20	HOU-11-20	Award of Contract for the Build of New Council Homes at Military Road	Andrew Tyrell Martin Leek	<p>To award a contract to T J Evers Limited for the construction of 8 new council homes (2 x 2-bedroom mews houses, 3 x 1-bedroom flats and 3 x 2-bedroom flats) at Military Road.</p> <p>To agree that in the event of any unforeseen issue(s) in proceeding with the above contractor, the contract would then be awarded sequentially to the next-placed contractors.</p> <p>To note that once awarded, the Assistant Director for Place &amp; Client Services was previously delegated authority (via Cabinet decision dated 8 July 2020), in consultation with the Portfolio Holder for Housing, to agree and implement all consequential contractual, legal, financial or other related matters for the contracted project through to completion and occupation of the new homes.</p>	Call in period due to expire on 2 December
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**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
3 October 2020 – 20 November 2020**

Portfolio – Strategy					
Date	Number	Report Title	Author	Decision	Result
18/11/20	STR-002-20	COVID19 – Business Grants	Samantha Preston	<p>To agree to the approach for distributing the mandatory government grant schemes.</p> <p>To approve the local discretionary scheme for the Additional Restrictions Grant and Local Restrictions Support Grant (open).</p> <p>To approve the release of payment of the business grants to those businesses within the Borough which meet the criteria as detailed in this report.</p> <p>To delegate decisions on any minor technical changes to the Assistant Director for Customer, in consultation, where needed, with the Portfolio Holder for Business and Resources.</p>	Decision agreed 18/11/20

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





**14 October 2020**

<b>Report of</b>	<b>Assistant Director of Corporate &amp; Improvement Services</b>	<b>Author</b>	<b>Hayley McGrath</b> ☎ 508902
<b>Title</b>	<b>2019/20 Year End Review of Risk Management</b>		
<b>Wards affected</b>	Not applicable		

## 1. Executive Summary

- 1.1 This report provides members with an overview of the Council's risk management activity undertaken during the financial year from 01 April 2019 to 31 March 2020.
- 1.2 Effective management of risk is essential to ensuring that the Council's aims and objectives are achieved. The Council has therefore approved a Risk Management Strategy, which is included in the policy framework. This provides a comprehensive risk management process that is embedded across the organisation and includes a strategic risk register (which is the responsibility of the senior management team), operational risk registers which are produced by each service, project risk monitoring and specific risk mitigation initiatives.
- 1.3 The Risk Management strategy and processes are reviewed annually to ensure that they are still appropriate to the Council's needs and continue to be effective in identifying and mitigating risks to its aims and objectives.
- 1.4 Towards the end of the 2019/20 financial year the impacts of the Covid-19 pandemic began to be managed by the Council with its partners and this situation has prompted a further review of the strategic risk register (Appendix 1).
- 1.5 The key strategic risks are:
  - Budget Strategy
  - Covid-19 Pandemic
  - Spending Power
  - Compliance
  - Staff Resources
  - EU Transition
  - Data Protection
  - Cyber Security
  -

## 2. Recommended Decision

- 2.1 Note the Council's progress and performance in managing risk during the period April 2019 to March 2020.
- 2.2 Consider and comment on the current strategic risk register.
- 2.3 Approve the proposed risk management strategy for 2020/21 and recommend to Full Council that it be included in the Council's Policy Framework.

### **3. Reason for Recommended Decision**

- 3.1 Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore, the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.
- 3.2 During the year progress reports are presented to the Governance & Audit Committee, detailing work undertaken and current issues. This report was presented to the Governance & Audit Committee on 08 September 2020, where they approved its referral to this meeting.
- 3.3 As part of the Policy Framework, any changes and reviews of the strategy need to be approved by Cabinet and ratified by Full Council.

### **4. Alternative Options**

- 4.1 There are no alternative options to consider

### **5. Background Information**

- 5.1 The aim of the Council is to adopt best practice in the identification, evaluation, cost-effective control and monitoring of risks across all processes, to ensure that risks are properly considered and reduced as far as practicable.
- 5.2 In broad terms risks are split into three categories:
  - Strategic – those risks relating to the long term goals of the Council
  - Operational – risks related to the day-to-day operation of each individual service
  - Project – the delivery risks of specific initiatives.
- 5.3 Identified risks, in all three categories, are judged against levels of probability and impact to give them an overall score. This allows the risks to be shown as 'high, medium or low' which enables a prioritised action plan to be set for managing risks. A high score does not mean that a risk has, or will definitely, occur.
- 5.4 In many cases the causes of risks are outside of the Council's control, such as general economic issues. The Council cannot stop these risks from occurring (the probability score) but can put plans in place to mitigate against their effect if they occur (the impact score). Likewise, there are occasions that risks can be reduced with preventative actions but there is not much that can be done to mitigate their effect if they do occur, such as a failure to protect public resources. Therefore, some risks will tend to maintain the same score, regardless of the controls that the Council puts in place.

### **6 Work undertaken during the period**

- 6.1 There were no fundamental changes to the risk management function, or the processes used to identify and control risk, during 2019/20.
- 6.2 The review of risk processes, reported to the Governance and Audit committee in January 2020, has continued. The review is concentrating on how the risk registers are compiled, how mitigation actions are reflected in scores and potentially moving to more interactive on-line registers. The revised format for the risk registers has been used for the strategic register attached to this report, and it can be seen that both pre action and post mitigation (residual) ratings are given for each risk.

- 6.3 Work has continued to develop the insurance and risk programmes for Colchester Commercial (Holdings) Limited, to ensure that emerging commercial risks are appropriately managed.
- 6.4 Support continues to be provided, reviewing the risk elements of event plans, to both the Colchester, and the Community Stadium, Safety Advisory Groups.
- 6.5 The risk registers for the Joint Museum Service and the North Essex Parking Partnership both continue to be produced and reported to the joint committees.

## **7 Strategic Risk Register**

- 7.1 During 2020/21 the strategic risk register was reviewed by the senior management team every quarter and reported to the Governance & Audit Committee every six months. The current register is shown at appendix 1. These risks have been mapped onto a risk chart as shown at appendix 2, this charts the risks both pre action and post mitigation.
- 7.2 The Corporate Governance Manager reviewed the strategic risks with the Senior Management Team in June 2020 to ensure that the identified risks were still appropriate.
- 7.3 For the majority of 2019/20 the Council's strategic risks were consistent. The United Kingdoms' exit from the European Union, security of data and Council finances being key areas of concern.
- 7.4 A review of strategic risks during the year identified several areas where risks could be removed or substantially reduced, as there had been no indication of this risk materialising in the near future, to ensure the risk register was focussed on priority risks.
- 7.5 During January and February the Senior Management Team reviewed the Council's business continuity plans and Flu Pandemic plan in light of emerging information about Coronavirus (Covid-19).
- 7.6 Many of the mitigating activities identified, and implemented, as a direct result of the Council's risk strategy and Strategic Risk Register have helped the organisation, with its partners, to cope with the impacts of Covid-19 . For example, strong partnership working, effective communications and prudent financial management.
- 7.7 At the very end of the financial year the Council responded promptly to the combined impacts of the Coronavirus pandemic, associated economic lockdown and sector-specific guidance affecting operational activities. Consequently, several of the Council's strategic risks became live issues and the likelihood of lower rated risks materialising increased. Whilst the pandemic is itself now a clear ongoing risk to the Council, our customers, communities and businesses, it has also increased risks associated with income generation and service delivery.
- 7.8 The strategic risk register (Appendix 1) has been revised to reflect the key areas of concern, and the Council's recovery strands, along with the addition of a specific Covid-19 risk.
- 7.9 However, it is felt that the risk register will need to be further refined over the coming months, as the long-term impacts of the pandemic become clearer. The Council's Internal Auditors have been asked to assist with this process and they will be working with the Corporate Governance Manager to carry out a fundamental review of the risk management framework. The results of the review will be reported to the Governance and Audit committee later in the year.

## **8. Risk Management Strategy for 2020/21**

- 8.1 The Council's current approach to managing risk was introduced in 2006/07. A requirement within the strategy, and also of the annual audit assessment, is to review the approach each year to ensure that it is still appropriate to the Council's needs.
- 8.2 Therefore a review has been undertaken and the strategy has been updated for 2020/21. The revised strategy is attached at appendix 3. There are no changes proposed to the risk process, with amendments only to external review comments and the updating of external guidance references.

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

- 9.1 There are no equality, diversity or Human Rights implications as a result of this report.

## **10. Strategic Plan References**

- 10.1 The strategic risk register reflects the objectives of the strategic plan and the actions have been set with due regard to the identified key strategic risks. Therefore, the risk process supports the achievement of the strategic objectives.

## **11. Risk Management Implications**

- 11.1 The failure to adequately identify and manage risks may have an effect on the ability of the Council to achieve its objectives and operate effectively.

## **12. Environmental and Sustainability Implications**

- 12.1 There are no environmental or sustainability implications as a result of this report.

## **13. Other Standard References**

- 13.1 There are no particular references to consultation or publicity considerations or financial; community safety or health and safety implications.

## **Appendices**

Appendix 1 – The strategic risk register

Appendix 3 – Risk Management Strategy for 2020/21

**Colchester Borough Council Strategic Risk Register**  
**JULY 2020**

				Initial Score							Residual Score		
Ref	Risk Title	Description	Strategic / Recovery Strand	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O
PR1	Budget Strategy	Inability to deliver the budget strategy as planned.	Priorities	4	5	20	Very High	Service delivery failure Financial and reputational loss by the Authority .Personal liability of Officers and Members Legal actions against the Council. Loss of stakeholder confidence in the Borough. Inability to sustain costs. Failure to deliver balanced budget as planned. A need to use balances / reserves or to adapt financial plans to deal with impact of changes. Required to use Reserves & Resources to fund capital priorities. Severe impact on cash-flow leading to negative effect on performance targets.	Ensure effective use of the controls built into the annual budget strategy, to enable the organisation to respond quickly to changes. Regular monitoring of actual spend/income and sensitivity analysis to consider the impact on income streams and the capacity of the organisation to deliver services. Regular and open reporting and updating of the budget position through Cabinet, prudent use of reserves where necessary to mitigate in-year losses and thematic approach to 20/21 budget process to identify savings and achieve a sustainable position. Further lobbying of central government to cover all losses as promised.	Chief Operating Officer	3	5	15
ST4	Covid-19 Pandemic	Ongoing, <b>and recovery</b> , impacts of the COVID-19 pandemic on the council, the communities, our customers and the economy.	Strategic	5	4	20	Very High	The ongoing and future impacts of the COVID-19 pandemic including service and staff resilience and shortages, additional service pressures, short term changes in policy and alert status disrupting delivery of strategic priorities, impacts on service delivery with additional cost pressures and potentially reduced income levels alongside additional work to support recovery.	Implementation of the Covid-19 recovery programme, monitored and shared with staff, members and partners.This covers Council, Community, Customer and Economic response and recovery and the actions/resources required to enable the Council to respond to them. Delivery of the revised Strategic Plan which incorporate recovery objectives and additional burdens (e.g. outbreak controls). <b>Specific recovery actions, including Reopening of the High Street, being monitored through the project management process.</b>	Chief Operating Officer	5	3	15
ST2	Spending Power	The government changes following the General Election, and impacts of Covid19, are likely to result in a comprehensive spending review impacting on public funding, including that of our partners e.g. Fair Funding Review, Business Rates Retention.	Strategic	4	4	16	Very High	If not properly managed then either the Council could lose the opportunity to develop further or may have enforced changes to service delivery. Adverse impact on local residents / resources. Missed opportunities to boost local economy. Conflict between Council / Government agendas. Reduction in levels of service provision and potential withdrawal of services.	Maintain a constant review of the budget situation, incl impact of decisions from central government. Identify additional actions and areas for spending as necessary.	Chief Operating Officer	4	3	12
SP4	Compliance	Failure to protect public funds and resources – ineffective probity / monitoring systems/legislative breaches. Especially as a result of the rapid changes in service delivery required to respond to the impacts of Covid-19	Service Provision	4	4	16	Very High	Service delivery failure. Financial and reputational loss by the Authority. Personal liability of Officers and Members. Legal actions against the Council. Loss of stakeholder confidence in the Borough. Inability to sustain costs. Failure to deliver balanced budget as planned. A need to use balances / reserves or to adapt financial plans to deal with impact of changes. Required to use Reserves & Resources to fund capital priorities. Severe impact on cash-flow leading to negative effect on performance	Ensure the outcomes of the assurance systems that form the internal control environment, (including Internal Audit, Risk Management, Budget process, Corporate Governance and performance management) are appropriately reported so that issues and concerns are managed, and variances are spotted at an early stage. Horizon scanning upcoming legislative / policy changes	Chief Operating Officer	3	4	12

				Initial Score								Residual Score		
Ref	Risk Title	Description	Strategic / Recovery Strand	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O	
SP2	Staff Resources	Staff shortages due to an inability to recruit and / or staff sickness.	Service Provision	5	3	15	Very High	Decline in service performance. Disengaged and demotivated staff. Efficiency and productivity reduction Inability to meet changing requirements and needs Customer perceptions decline as we deliver less. Loss of key staff	Communicate job opportunities and benefits of working at CBC clearly and imaginatively. Review opportunities to do things differently for key posts including considering the value of trading companies.	Assistant Director, Corporate & Improvement	4	3	12	
CO3	Universal Credit	Impact of the implementation of Universal Credit in Colchester could lead to additional work for CBC to help customers apply for the new single benefit. There will be a transition period whereby residents move to the new application which could be difficult for some of our more vulnerable customers. The future impacts of Covid-19 are likely to increase the number of vulnerable residents and claimants.	Community	3	4	12	High	The Council fails to support our most vulnerable residents leading to an increase in crisis intervention.	Regularly monitor the impact of the resources allocated to the welfare reform project, to ensure that customers are supported with signposting to appropriate providers/partners. A+24:31T THE CURRENT TIME, DUE TO THE UNKNOWN IMPACTS OF COVID-19, MITIGATION DOESN'T REDUCE THE SCORE.	Strategic Director, Customers and Relations	3	4	12	
SP1	Data Protection	Sensitive data, in any format, is not correctly managed, processed or protected from loss or theft in line with GDPR and Data Protection Act requirements.	Service Provision	4	5	20	Very High	Potentially severe disruption to core services and/or data theft, with financial, legal and reputational impacts for the Council, and potentially significant harm caused to residents from any breach, potential financial losses, directly or indirectly e.g. ICO fines.	Ongoing review of data security policies and protocols to ensure that they are fit for purpose and implement a training program for all staff.	Chief Operating Officer	2	5	10	
SP3	Cyber Security	The Council suffers a successful cyber attack on it's computer systems.	Service Provision	3	5	15	Very High	Potentially severe disruption to core services, with financial, legal and reputational impacts for the Council, and potentially significant harm caused to residents.	Ongoing review of IT policies and protocols to ensure that they are fit for purpose and implement a training program for all staff.	Assistant Director, Corporate & Improvement	2	5	10	
ST1	EU Exit	The agreement to the UK Withdrawal Agreement by both the EU and the UK parliament potentially provides a managed withdrawal from the European Union but a large number of uncertainties remain. A 'no deal exit' could still happen at the end of 2020, following the end of the transition period, if no new trade deal is agreed between the UK and the EU. There are different potential risks depending on the agreed exit arrangements.	Strategic	4	4	16	Very High	The impacts of any EU exit will depend on a number of factors over time and the immediate implications of the withdrawal agreement. A 'No Deal' or disorderly EU Exit could impact on the macro and local economy including CBC commercial income and local businesses. There may be disruption to the Council's supply chains, legal uncertainty, and a negative impact on community wellbeing.	Continue to monitor the Government's announcements on the implications of the exit from the EU, including the potential implications of a 'no deal' Brexit. Participate fully in Essex Resilience Forum activity and exercises, complete all reporting to ERF and MHCLG, support communications to residents and businesses	Chief Operating Officer	3	3	9	



				Initial Score							Residual Score		
Ref	Risk Title	Description	Strategic / Recovery Strand	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O
CO1	Partnership Delivery	Failure or inappropriate performance management of one or more strategic partnerships or key contracts E.g. Haven Gateway, LEP, ICS, CBH, Emergency Services	Community	4	4	16	Very High	The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. Failure to deliver expected outcomes through partnerships. Requirement to repay external funding granted to partnership – taking on the liabilities of the ‘withdrawn’ partner. External assessment of the Councils partnerships are critical and score poorly.	Review the assessment process for proposed strategic partnerships (to ensure that they will satisfy the Council’s objectives) that needs to be signed off by EMT before commitment to new partnerships is made.	Strategic Director, Customers and Relations	3	3	9
ST3	Partnership Commitment	Change of direction / policy within key partner organisation and they revise input / withdraw from projects. Increased risk due to partners having to review service provision in response to the impacts of Covid-19 on their business.	Strategic	4	3	12	High	The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. Failure to deliver expected outcomes through partnerships. Requirement to repay external funding granted to partnership – taking on the liabilities of the ‘withdrawn’ partner. External assessment of the Councils partnerships are critical and score poorly.	Set a formal relationship / performance review process to be used by all partnerships and ensure results are reported to senior management. Ensure that Exec Board and Leadership review partnerships on a regular basis. Embed Scrutiny Cttee process for key partnerships including CBH and the Safer Colchester Partnership.	Strategic Director, Customers and Relations & Strategic Director, Policy & Place	3	3	9
CO2	CBC Function	The expectation remains that the Council will step in to deliver services when other providers either fail or reduce service provision	Community	4	3	12	High	The Council suffers from a loss of reputation as customers’ expectations are not met. There is increased demand on existing services leading to a reduction in standards of delivery.	Ensure that Cabinet set a clear and consistent message about the role of CBC for customers and partners.	Strategic Director, Customers and Relations	3	3	9
CM1	Service Innovation	Not taking or creating opportunities to maximise the efficient delivery of services through shared provision, partnerships or commercial delivery	Commercial	4	3	12	High	If not properly managed then either the Council could lose the opportunity to develop further or may have enforced changes to service delivery. Adverse impact on local residents / resources. Missed opportunities to boost local economy. Conflict between Council / Government agendas. Reduction in levels of service provision and potential withdrawal of services.	Identify and maintain skill set required to meet future challenges, maintain partnership relationships	Strategic Director, Policy & Place	3	3	9
OP1	ICT	Major system failure causing significant service disruption	Operational	3	5	15	Very High	The rapid change in the use of technology in the first half of the year, and increasing reliance on IT to continue normal business leaves the Council vulnerable to	Ensure that the IT Disaster Recovery plan, and service plans, adequately reflect the organisation’s requirements and provide an effective framework for maintaining service provision. Regularly review the IT development strategy to ensure it continues to support the organisations ambitions and provides appropriate safeguards for IT service delivery.	Assistant Director, Corporate & Improvement	2	4	8
CO4	Partnership Performance	Potential inability to agree shared outcomes/ agendas with partners and the Council’s ability to influence partner’s performance.	Communities	3	4	12	High	The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. Failure to deliver expected outcomes through partnerships. Requirement to repay external funding granted to partnership – taking on the liabilities of the ‘withdrawn’ partner. External assessment of the Councils partnerships are critical and score poorly.	Review the assessment process for proposed strategic partnerships (to ensure that they will satisfy the Council’s objectives) that needs to be signed off by EMT before commitment to new partnerships is made.	Strategic Director, Customers and Relations	2	4	8

				Initial Score							Residual Score		
Ref	Risk Title	Description	Strategic / Recovery Strand	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O
SP5	Staff Wellbeing	Staff wellbeing or motivation declines with an impact on service delivery and resilience.	Service Provision	3	4	12	High	Decline in service performance. Disengaged and demotivated staff. Efficiency and productivity reduction Inability to meet changing requirements and needs Customer perceptions decline as we deliver less. Loss of key staff	Monitor staff morale and trends using staff surveys and by monitoring the People Dashboard; and ensure good communications with staff, exploiting new technologies such as Yammer. Implement the action plan for the People Strategy; ensuring that performance is regularly monitored. Regularly report the progress of the learning and development strategy, including financial considerations and business	Assistant Director, Corporate & Improvement	2	3	6
SP6	Customer Confrontation	There is an increase in challenging behaviour from customers, towards officers, when the Council cannot meet the customer's expectations. Alongside partners being unable to provide support or having incorrectly signposted the customer to the Council.	Service Provision	3	3	9	Medium	Officers suffer potential mental and physical issues as a result of confrontations. The ability to assist the customer is reduced. Service delivery declines	Ensure that the Health & Safety reporting process is used to record instances of violence and aggression, with regular reporting to senior management. Develop an on-line training tool for staff, for managing difficult situations. Liaise with partners, such as Police and health, about expectations for vulnerable customers. Both in terms of emergency response to issues and services that the Council can, and cannot, provide	Strategic Director, Customers and Relations	3	2	6
EF1	Capacity	Over reliance on a limited number of people limits ability to deliver our ambition.	Efficiency	3	3	9	Medium	The Borough Council loses its status and influencing ability at sub-regional, regional and national levels.	Manage the recruitment and development processes to ensure that the organisation has the appropriate skills and expertise.	Chief Executive	3	2	6
CO5	Equality & Diversity	The Council fails to effectively engage with all sectors of the community.	Community	3	3	9	Medium	Service delivery does not meet the needs of all sectors and minority groups are not reflected in the workforce leading to a lack of challenge and change. A failure to demonstrate diversity in the workforce, and effective cross sector engagement, can have a negative impact on external assessment processes, including grant funding, as assessors are placing increasing importance on equality and diversity.	Implementation of a clear commitment to providing opportunities to all sectors of the community. That includes internal processes, such as using best practice for encouraging more diverse applications to all vacancies and identifying external opportunities to encourage minority and diverse sectors to engage with the Council.	Strategic Director, Customers and Relations	2	3	6



SCORE DEFINITIONS	1	2	3
Impact	<p>Very Low</p> <p>Insignificant effect on delivery of services or achievement of Strategic Vision &amp; Corporate Objectives.</p>	<p>Low</p> <p>Minor interruption to service delivery or minimal effect on Corporate Objectives.</p>	<p>Medium</p> <p>Moderate interruption to overall service delivery/effect on Corporate Objectives or failure of an individual service.</p>
Probability	<p>10%</p> <p>May happen – unlikely</p>	<p>10 -25%</p> <p>Possible</p>	<p>26 – 50%</p> <p>Could easily happen</p>

4	5
High  Major interruption to overall service delivery or severe effect on Corporate Objectives.	Very High  Inability to provide services or failure to meet Corporate Objectives
51 – 75%  Very likely to happen	Over 75%  Consider as certain

RISK MATRIX  
September 2020

Low Risks	Medium Risks	High Risks
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Initial Score Matrix

Scoring 1-5

Risk Tolerance  
Line

Probability of Occurrence	5 Very High			SP2	ST4	
	4 High			CM1 CO2 ST3	CO1 SP4 ST1 ST2	PR1 SP1
	3 Medium			CO5 EF1 SP6	CO3 CO4 SP5	OP1 SP3
	2 Low					
	1 Very Low					
		1 Very Low	2 Low	3 Medium	4 High	5 Very high
		Severity of Impact				

Residual Score Matrix

Scoring 1-5

Risk Tolerance  
Line

Probability of Occurrence	5 Very High			ST4		
	4 High			SP2 ST2		
	3 Medium		EF1 SP6	CM1 ST3 CO1 CO2 ST1	CO3 SP4	PR1
	2 Low			CO5 SP5	CO4 OP1	SP1 SP3
	1 Very Low					
		1 Very Low	2 Low	3 Medium	4 High	5 Very high
		Severity of Impact				



# Risk Management Strategy 2020/21

**A guide to the Council's approach to managing risk. Draft for Council approval 21 October 2020.**

## **RISK MANAGEMENT STRATEGY**

*This document outlines the Council's commitment to managing risk in an effective and appropriate manner. It is intended to be used as the framework for delivery of the Risk Management function and provides guidance to ensure management of risk is a routine process for all services.*

## **INTRODUCTION**

Strategy will ensure that:

1. The management of risk contributes towards ensuring effective service delivery and the achievement of the Council's strategic objectives.
2. Members and the Senior Management Team own, lead and support on risk management.
3. Ownership and accountability are clearly assigned for the management of risks throughout the Council.
4. There is a commitment to embedding risk management into the Council's culture and organisational processes, at all levels, including strategic, programme, project and operational
5. All members and officers acknowledge and understand the importance of risk management as a good governance process, by which key risks and opportunities are identified, evaluated and managed.
6. Effective monitoring and reporting mechanisms are in place to continuously review the Council's exposure to, and management of, risks and opportunities.
7. Best practice systems for managing risk are used throughout the Council, including mechanisms for monitoring and reviewing effectiveness against agreed standards and targets.
8. Accountability to stakeholders is fully demonstrated through periodic progress reports and an annual statement on the effectiveness of and the added value (benefits) from the Council's risk management strategy, framework and processes.
9. Where possible the Council's approach is regularly assessed by an external, independent body against other public sector organisations, national standards and Best Practice.
10. The Risk Management Strategy is reviewed and updated annually in line with the Council's developing needs and requirements.

**Endorsement by Adrian Pritchard, Chief Executive**

*“Colchester Borough Council is committed to ensuring that risks to the effective delivery of its services and achievement of its overall objectives are properly and adequately controlled. It is recognised that effective management of risk will enable the Council to maximise its opportunities and enhance the value of services it provides to the community. Colchester Borough Council expects all officers and members to have due regard for risk when carrying out their duties.”*

A handwritten signature in black ink that reads "A. R. Pritchard." The signature is fluid and cursive, with a long, sweeping underline that extends to the right.**WHAT IS RISK MANAGEMENT**

Risk Management is the control of business risks in a manner consistent with the principles of economy, efficiency and effectiveness. It is an essential performance management process to ensure that both the long- and short-term objectives of the Council are achieved and that opportunities are fully maximised.

Risk Management is not about eliminating risk, as this would limit the ability of the organisation to develop and deliver its ambitions. Its purpose is to recognise the issues that could affect the achievement of objectives and develop actions to control, or reduce, those risks. Acknowledgement of potential problems and preparing for them is an essential element to successfully delivering any service or project. Good management of risk will enable the Council to rapidly respond to change and develop innovative responses to challenges and opportunities.

The ‘Delivering Good Governance in Local Government’ 2016 framework, jointly issued by The Chartered Institute of Public Finance & Accountancy and the Society of Local Authority Chief states that there are seven core principles of good governance including ‘Managing risks and performance through robust internal control and strong public financial management’. The document goes on to state ‘Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision-making activities.’

## **BACKGROUND**

A process for managing risks was first adopted by the Council in 2003 and since then has been developed to ensure that it continues to be an effective management system. This strategy defines Colchester Borough Council's definition of risk and the processes to be followed.

In broad terms risks are split into three categories:

- Strategic – those risks relating to the long-term goals of the Council.
- Operational – risks related to the day-to-day operation of each individual service.
- Project – consideration of the risks occurring as a result of the Council's involvement in specific initiatives.

The following are some of the practical ways that risks are managed and how effectiveness is measured:

- Provision of a comprehensive strategic register, that is regularly reviewed.
- Provision of operational risk registers for all service areas.
- Consideration of risk in Committee reports.
- Development of a comprehensive risk register for the project management programme and consideration of risk as a project management tool.
- Successful internal and external assessment.
- Provision of advice to other authorities regarding our management of risk.

This has led to a practical and workable approach to managing risk, which has resulted in the Council becoming more risk aware and actually taking more risks, as demonstrated by the comprehensive project risk register. Colchester is also highly regarded for managing risk by both our insurers and other authorities.

The 2018/19 internal audit of risk management gave a substantial assurance opinion. Six recommendations were raised during the audit relating to embedding the risk management process in Colchester Commercial Holdings Company Ltd, development of e-learning and reporting of operational risk registers.

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## OWNERSHIP

The responsibility to manage risk rests with every member and officer of the Council however it is essential that there is a clearly defined structure for the co-ordination and review of risk information and ownership of the process.

Appendix 3 is from the CIPFA/SOLACE risk management guide, Chance or Choice. It is a generic map of responsibility for each part of the risk management process.

The following defines the responsibility for the risk management process at Colchester:

**Cabinet** – Overall ownership of the risk management process and endorsement of the strategic direction of risk management.

**Portfolio Holder for Business and Resources** – Lead Member for the risk management process

**Governance and Audit Committee** – Responsible for reviewing the effectiveness of the risk management process and reporting critical items to Cabinet as necessary.

**Performance Management Board (PMB)** – Ownership of the strategic risks and overview of the operational risks. Actively support the Risk Management Strategy and framework.

**Chief Operating Officer** – Lead officer for the risk management process, demonstrating commitment to manage risk.

**Assistant Director Policy & Corporate** – Responsible for co-ordination of the risk management process, co-ordinating and preparing reports and providing advice and support.

**All Assistant Directors** – Ownership, control and reporting of their service's operational risks. Contribute to the development of a risk management culture in their teams.

**All Employees** – To understand and to take ownership of the need to identify, assess, and help manage risk in their individual areas of responsibility. Bringing to the management's attention at the earliest opportunity details of any emerging risks that may adversely impact on service delivery.

**Internal Audit, External Audit and other Review Bodies** – Annual review and report on the Council's arrangements for managing risk throughout the Council, having regard to statutory requirements and best practice. Assurance on the effectiveness of risk management and the control environment.



## AIMS & OBJECTIVES

**The aim** of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.

**The risk management objectives** of Colchester Borough Council are to:

- Integrate risk management into the culture of the Council
- Ensure that there are strong and identifiable links between managing risk and all other management and performance processes.
- Manage risk in accordance with best practice
- Anticipate and respond to changing social, environmental and legislative requirements
- Prevent injury, damage and losses and reduce the cost of risk
- Raise awareness of the need for risk management by all those connected with the Council's delivery of services.
- Ensure that opportunities are properly maximised through the control of risk.
- Reduce duplication between services in managing overlapping risks and promote 'best practise'.

## STRATEGIC RISK MANAGEMENT

Strategic risks are essentially those that threaten the long-term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally effect service provision, such as proposals to dramatically change the corporate assessment process.

Strategic risks will be controlled using a register that will detail the risks and associated controls. The register will be owned by the Senior Management Team, with ownership for risks being assigned to individual officers, and will be reviewed every quarter. The strategic risks will be reported to the Governance & Audit Committee at least twice a year.

## **OPERATIONAL RISK MANAGEMENT**

Operational risks are those that threaten the routine service delivery of the Council. Each service area will have their own operational risk register that details the risks associated with providing the service. These registers will be reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them will be reported to Senior Management Team on a quarterly basis, as these will help in the formulation of the strategic risk register.

## **LINKS**

It is essential that risk management does not operate in isolation to other management processes. To fully embed a risk management culture, it has to be demonstrated that risk is considered and influences all decisions that the Council makes. It is essential that there is a defined link between the results of managing risk and the following:

- The Strategic Plan
- Service Plans
- Revenue and Capital Budgets
- Annual Internal Audit Plan

## **ACTION REQUIRED**

The following actions will be implemented to achieve the objectives set out above:

- Considering risk management as part of the Council's strategic planning and corporate governance arrangements.
- Ensuring that the responsibility for risk management is clearly and appropriately allocated
- Maintaining documented procedures for managing risk
- Maintaining a corporate approach to identify and prioritise key services and key risks across the Council and assess risks on key projects.
- Maintain a corporate mechanism to evaluate these key risks and determine if they are being adequately managed and financed.
- Establish a procedure for ensuring that there is a cohesive approach to linking the risks to other management processes
- Including risk management considerations in all committee reports
- Providing risk management awareness training to both members and officers.
- Developing risk management performance indicators.
- Establishing a reporting system which will provide assurance on how well the Council is managing its key risks and ensures that the appropriate Members and officers are fully briefed on risk issues.
- Preparing contingency plans in areas where there is a potential for an occurrence to have a significant effect on the Council and its business capability.
- Regularly reviewing the risk process to ensure that it complies with current national Governance Standards and Best Practice.
- Developing risk management links with key partners and contractors, to ensure that principles are adopted in all areas of service delivery.

## REVIEW

To ensure that the risk management process is effective it will need to be measured and reported to PBM, Governance & Audit Committee and Cabinet. As well as a structured reporting process of risks and controls during the year there will need to be an annual review demonstrating the success of the following:

- The inclusion of risk management principles within Service Plans and budgets.
- The development of the Internal Audit plan based on the risk issues.
- Achievement against identified performance indicators.
- Members consistently ensuring managing risk is considered as part of the decision-making processes within the Council.
- Service managers making recommendations that regard risk as an opportunity as well as a threat.
- Risk management principles being considered in service reviews, for example in areas such as options for change and service improvements.
- Changes in risk being independently identified and assessed by Service Managers
- Compliance with the use of resources criteria and self assessment requirements.

Suitable opportunities to benchmark the risk management service against other organisations should also be explored, to ensure that it is effective, and the work carried out by the Council conforms to best practise.

The three appendices attached give greater detail of key areas:

Appendix 1 – Outline of the risk management process

Appendix 2 – Details of how Risk Management will be reported.

Appendix 3 – CIPFA guidance on Risk Management Responsibilities

## APPENDIX 1

### The Risk Management Process

Risk Management is a continual process of identifying risks, evaluating their potential consequences and determining the most effective methods of controlling them and / or responding to them. The risks faced by the Council are constantly changing and the continual process of monitoring risks should ensure that we can respond to the new challenges. This process is referred to as the risk management cycle.

#### **Stage 1 – Risk Identification**

Identifying and understanding the hazards and risks facing the council is crucial if informed decisions are to be made about policies or service delivery methods. There is detailed guidance available on how to identify risks which includes team sessions and individual knowledge. Once identified a risk should be reported to the relevant Assistant Director who will consider its inclusion on the relevant risk register. If the risk is identified in between register reviews, then it is reported to the Risk & Resilience Manager for information and the Head of Service is responsible for managing the risk.

#### **Stage 2 – Risk Analysis**

Once risks have been identified they need to be systematically and accurately assessed. If a risk is seen to be unacceptable, then steps need to be taken to control or respond to it.

#### **Stage 3 – Risk Control**

Risk control is the process of taking action to minimise the likelihood of the risk event occurring and / or reducing the severity of the consequences should it occur.

#### **Stage 4 – Risk Monitoring**

The risk management process does not finish with the risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of the risk has changed over time.

## APPENDIX 2

### Reporting

No matter how good the process to identify and control risks is, it will not be effective unless the information gained from it is reported and used to influence other management issues / processes. Therefore, it is essential that there is a defined process and timetable for reporting the results of the risk management process to both members and officers.

#### Types of Report

- The strategic risk register is reviewed a minimum of twice yearly by PMB, with interim reports quarterly as required.
- Six monthly review of the operational risk registers and a summary report of these reviews to PMB
- Project risks are reported through the project management process and reported to the project management board. Significant issues will also be included in the reporting process to PMB
- A six-monthly report is provided to Committee (Governance and Audit) detailing the current strategic and high-level operational risks and the progress made in controlling them.
- An annual report reviewing Risk Management activity and an action plan for the coming year – taking into account changes in methodology and results of internal and external reviews. Going to PMB, Governance & Audit and Cabinet.
- Ad-hoc reports need to be provided to PMB when new, significant risk issues arise.

The reports can be summarised as follows:

	Services	P.M.B.	Governance & Audit	Cabinet
<b>Quarterly</b>		Review of strategic risk register		
<b>6 Monthly</b>	Review of operational risk register	Summary of operational review from services	Progress report of strategic & high-level operational risks	
<b>Yearly</b>		Scrutiny of annual progress report to cttee on R.M.	Endorsement of annual progress report on R.M.	Summary of past years work on R.M.

## Appendix 3

### Risk Management Responsibilities – CIPFA / SOLACE Guidance

	<b>Framework, Strategy and Process</b>	<b>Identifying risk</b>	<b>Analysing Risk</b>	<b>Profiling risk</b>	<b>Prioritising action based on risk appetite</b>	<b>Determining action on risk</b>	<b>Controlling risk</b>	<b>Monitoring &amp; Reporting</b>	<b>Reporting to external stakeholders.</b>
<b>Members</b>	Agreeing the Framework, Strategy and Process Determined by Officers	Identifying risk	Analysing Risk	Profiling Risk	Determining the risk appetite and prioritising risk.  Agreeing the priorities determined by officers			Reviewing the effectiveness of the risk management process.	Reporting to external stakeholders on the framework, strategy, process and effectiveness.
<b>Risk Management Team</b>	Providing advice And support to the executive Management Team and Members	Providing advice and support.	Providing Advice and support	Providing advice and support	Providing advice and support			Co-ordinating the results for reporting to the corporate management team and members	
<b>Senior Management Team</b>	Determining the framework, Strategy and Process	Identifying strategic and cross-cutting issues	Analysing Strategic and cross-cutting issues.	Profiling strategic and cross-cutting issues.	Determining the risk appetite and prioritising strategic and cross-cutting issues	Determining action on strategic and cross-cutting issues.  Delegating responsibility for control.		Monitoring progress on managing strategic and cross-cutting risks and reviewing the implementation of the risk management framework, strategy and process.  Reporting to members.	Reporting to external stakeholders on the framework, strategy, process and effectiveness.
<b>Assistant Director Policy &amp; Corporate</b>	Providing Advice and Support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Co-ordinating the results for reporting to the executive management team and members	Preparing draft reports for the corporate management team and members to issue.
<b>Service Managers / G.M.T's</b>		Identifying service Risks	Analysing Service risks.	Profiling service risks.	Prioritising action on service risks.	Determining action on service risks.  Delegating responsibility for control.		Monitoring progress on managing service risks.  Reporting to the group management team	
<b>Employees, contractors And partners</b>		Maintaining awareness of risks and feeding these into the formal process.	Maintaining awareness impact of risks and feeding information into the processes				Controlling risk in their jobs.	Monitoring progress on Managing job related risks  Reporting to the service manager.	

20 October 2020

<b>Report of</b>	<b>Assistant Director of Corporate &amp; Improvement Services</b>	<b>Author</b>	<b>Andrew Weavers 282213</b>
<b>Title</b>	<b>Review of Remote (Digital) Council Meetings</b>		
<b>Wards affected</b>	Not applicable		

## 1.0 Executive Summary

- 1.1 At its meeting on 23 June 2020 the Committee requested a review of the implementation of remote committee meetings, which were required as a result of the Covid-19 pandemic. An initial report was considered by the Committee on 28 July 2020, and following this Councillors, officers and members of the public were asked to provide their views to help inform the review of remote meetings and formulate recommendations how future meetings should be conducted.

## 2.0 Recommended Decisions

- 2.1 To consider and note the review of remote meetings undertaken by Colchester Borough Council since 1 June 2020.
- 2.2 To review the Remote Meetings Protocol and recommend whether any changes are required in the light of experience.
- 2.3 The following recommendations be made to Full Council:
- (a) All meetings continue to be remote (digital) by default and hosted via Zoom and live streamed by YouTube for the remainder of this municipal year. However, this be kept under review in the light of evolving Government guidance and legal requirements.
  - (b) All briefings for committee and panel chairs and group spokespersons be held remotely.
  - (c) Consider the possibility of hybrid and face to face meetings but only when both Government Guidance and legislation permits and following a Covid- 19 health and safety risk assessment for each meeting.
  - (d) Chairs of meetings retain flexibility to determine how formal votes are conducted.
    - (i) Non-controversial items be agreed by the chair asking participants to indicate verbally whether anyone is against a proposal.
    - (ii) Where the subject matter is controversial or relates to a quasi -judicial matter, a roll call of councillors be taken to ensure transparency.
  - (e) Chairs of meetings retain the option of being physically present with officers when required, suitably socially distanced, whether it be due to procedural complexity of the meeting or of the nature of business to be transacted.
  - (f) Government be lobbied to extend the Regulations to enable remote and hybrid meetings to continue beyond May 2021.

### **3.0 Reasons for Recommended Decisions**

- 3.1 The Covid -19 pandemic and Government guidance and regulations required the Council's decision making to move to a digital only platform. As we move forward the Council needs to determine how its meetings are conducted safely, in accordance with relevant Government guidance and the legal position.

### **4.0 Alternative Options**

- 4.1 A return to full face to face meetings or hybrid meetings. However, this is not possible at the current time due to the ongoing requirement to ensure that meetings are conducted in accordance with Government guidance including the need to maintain social distancing etc. The current rise in Covid 19 cases demonstrates the need to have a cautious approach to the return of face to face and or use of hybrid meetings.

### **5.0 Background**

- 5.1 At its meeting on 28 July 2020 the Committee considered a report (attached at Appendix 1) on the initial review of remote meetings. The Committee's initial feedback on remote meetings was very positive, although highlighting a number of issues. This report provides the Committee with further details on how remote meetings could be conducted going forward.
- 5.2 All local authority meetings were required by law to be held with all participating councillors physically present in the same room. Due to the challenges of the Covid – 19 pandemic, the Government introduced The Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Meetings) (England) Regulations 2020 ("the Regulations"). These came in to force on 4 April 2020 and apply to meetings taking place before 7 May 2021. The Regulations enabled Local Authorities:
- the flexibility to hold meetings at any time of day and on any day, to alter how frequently meetings can be held and to move or cancel meetings without requiring further notice.
  - to hold meetings remotely. For the purposes of any statutory requirement, members of the local authority are considered as attending a meeting if they can hear, and where practicable see, and be heard and, where practicable, be seen by other members and the public. This allowed for meetings to be held by remote means including via telephone conferencing, video conferencing, live webchat and live streaming. The "where practicable" wording is important because it means that it is not an absolute requirement that every participant can be seen all the time, even when they are speaking.
  - to make standing orders about remote attendance at meetings in relation to voting, access to documents and facilities that can be employed to allow the meeting to be held remotely to suit their own circumstances. (Remote Meetings Procedure Rules and Remote Meetings Protocol were agreed).
  - the "place" at which a local authority meeting is held is not confined to the council building. The "place" may be where the instigator or arranger of the meeting is, or electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. It could be an officer's or member's home.
  - requirements for a meeting being "open to the public" are satisfied by a local authority holding the meeting remotely. This enabled local authorities to facilitate



and hold remote meetings outside of the council offices and/or remotely and allows for members of the public to attend remotely.

- where documents must be “open to inspection”, this is satisfied by the documents being published on the council’s website. Documents include notices, agendas, reports, background papers, minutes etc. The publication, posting or making available of documents at council offices includes publication on the Council’s website. The normal five clear working day notice of publication of agendas continue to apply.

5.3 This report highlights the benefits and some of the disadvantages of remote meetings. It is suggested that remote meetings are the way forward and Local Authorities should have the flexibility to utilise remote or hybrid meetings in the (post pandemic) future rather than reverting back wholly to “traditional” meetings. It is therefore recommended that the Government be lobbied to extend the Regulations to enable remote meetings to continue to be held in the future.

5.4 The latest advice from Government is that they *“continue to recommend that where meetings can take place digitally, without the need for face-to-face contact, they should do so. The regulations do not preclude physical or hybrid meetings. Where council buildings need to be used for physical meetings, these meetings must be managed within the social distancing guidance and principles.”* As Government has implemented new guidance and regulations in response to the second wave of the pandemic and measures put in place for probably the next six months, it is evident that we will need to continue with remote meetings until the end of the Municipal Year. However, we will keep this under review in light of changing Government advice and consider when we can safely hold either hybrid or face to face meetings.

## **6.0 Our Experience of remote meetings so far**

6.1 Earlier this year we decided to live stream our formal decision-making meetings via Zoom on the Council’s YouTube channel. This has proved to be successful, with councillors, officers and the public able to participate, and has been relatively easy to use. Appendix 2 gives details of viewing figures of our remote meetings, compared to the listening figures (when only the audio recordings of meetings were available to the public) of the same meetings last year. Based on our experience it is suggested that we continue to use Zoom for all our public decision-making meetings. Remote meetings come with additional transparency and accountability and participants need to be aware of this at all times.

6.2 As part of the review a survey was carried out of councillors, officers and the public on their experiences of remote meetings and how they could be improved going forward. The survey was promoted via direct email, the website and on the Council’s social media channels. A total of thirty-two councillors (64%) and thirteen officers responded to the survey, unfortunately no members of the public responded, despite extending the deadline for completion. The full results of the survey are contained at Appendix 3 – councillors and Appendix 4 – officers.

6.3 Overall the surveys demonstrated a positive response to remote meetings, with very positive feedback to the Democratic and IT teams that have facilitated them. There were some issues raised, including items such as connectivity, resources, behaviours and lack of physical interaction and these are considered in the following paragraphs. The key question of whether meetings should be remote, hybrid or face to face in the future prompted the following response:

How should future meetings be conducted?	Councillors	Officers	Total
Remote	13	8	21
Face to face	8	1	9
Hybrid of remote and face to face	7	3	10
No view	4	1	5

As can be seen a majority of respondents felt that future meetings should be remote.

6.4 Some of the comments relating to future meetings included:

*"I believe the Council ought to now return to the Town Hall and Rowan House. When Members and Officers can meet together, democracy will be better served. Virtual meetings ought to now be restricted to occasional training sessions, if essential."*

*"As now. But a firm reminder of meeting disciplines, hands etc and a mandatory break at 90 minutes unless the meeting is close to an end."*

*"Ultimately, remote meetings are likely to be more efficient for attendees (due to reduced travel time etc) and more accessible for the public (as they can view online), but the working practices are quite difficult in my officer role at Committee."*

*"All online. It's the future."*

6.5 The Councillor survey also asked what the benefits and disadvantages of remote meetings were. Some of the comments in relation to benefits included:

*"Being able to meet without risking staff and cllrs also it saves from an environmental perspective by reducing pollution"*

*"No travel means not getting stuck in traffic = more time with family therefore less resentment."*

Some of the comments in relation to disadvantages included:

*"Meetings take longer. Harder to concentrate on the discussion."*

*"Remote meetings do not allow members to fully interact with each other"*

6.6 The councillor survey also asked what areas of remote meetings could be improved. Some of the comments included:

*"Is there a way of looking/ referencing at the agenda details/page when on the screen. Looks like needing two screens, one for being on the meeting and one to follow the agenda."*

*"Currently just everyone learning that muting the microphone when not speaking is essential. As is ensuring it is muted and turning off the camera during breaks."*

6.7 Remote meetings have required additional officer support to administer. Most face to face meetings are supported by one Democratic Services Officer who would be able to provide the clerking and advisory functions, as well as administer the live audio streaming software. For busy meetings an additional officer may have attended for the start of the meeting to help with the registration of members of the public. With remote meetings, there is increased preparation. Remote meetings themselves will continue to

require two Democratic Services Officers for the duration of the meeting, one providing the governance support role and one dealing with issues such as helping attendees join the meeting, monitoring the live stream, dealing with any connection issues, displaying presentations and reports. Particularly large or complex meetings, such as Full Council, have required a team of officers to support.

- 6.8 The introduction of remote meetings meant that the Council was required to invest in some additional hardware to provide councillors with appropriate equipment. This initial cost amounted to £3.5k. The annual Zoom licences amount to £500 both of these costs were coded to the Council's Covid 19 budget. Some councillors have also enquired whether they could have a second screen to assist them during meetings. The Council's IT team can facilitate this depending on the type of equipment being used. From the Councillor survey results 90% of councillors felt that they had the right equipment to enable them to participate in remote meetings. In addition, the councillor survey results indicated that 88% of councillors felt that they had received sufficient training to enable them to participate in remote meetings. We will seek to provide further training where necessary to ensure that all councillors can participate effectively in remote meetings.
- 6.9 One option for the future is hybrid meetings; i.e. where some participants are in a room (socially distanced) and others remote. This is not being suggested at this time in the light of current Government guidance and regulations. However, if this option becomes viable in the future it is one that we could pursue subject to a Covid-19 health and safety risk assessment being undertaken for each meeting. This could enable either the Moot Hall and/or the Grand Jury Room to be utilised for this purpose.
- 6.10 As well as maintaining public involvement in meetings through Have Your Say, there is evidence that remote meetings have helped increase public engagement with meetings and have improved the transparency of decision making. The table and graphs at Appendix 2 show the number of views of each meeting held remotely since June 2020. The figures show that more people are viewing through the YouTube live stream than listened through the audio stream for the similar period last year. There have been 5780 views of meetings on You Tube from June – September 2020. The comparative figure for listens on Audio Minutes over the same period last year was 3,517. This indicates that more members of the public are engaging with remote public meetings. We will continue to monitor and report on these levels. In addition, the Democratic Team has received some very positive feedback from some members of the public about the benefits of live streaming such as the comment below: -

*“Also - well done for holding the Zoom sessions and streaming to YouTube. First time for a long time I have felt that I can easily dip-into council discussions on topics and hear first-hand considerations.”*

- 6.11 Remote meeting by their very nature require the participants to behave differently than in face to face meetings. In preparation for the introduction of remote meetings, a protocol was prepared and agreed by the Group Leaders and circulated to all councillors. A copy is at Appendix 3. In view of some of the comments made in the responses to the councillor survey it is worth noting that the protocol emphasises: -

*You should also try to avoid eating or drinking during the meeting unless this is necessary and can be done discretely. Although being held remotely, meetings are still formal and should be treated as though they were being held in person, with the same expectations of appearance and behaviour. Although it is easy to forget, given the nature of the meeting, Councillors will still be on public display throughout, potentially to a wider audience than would normally be in attendance at a physical meeting.*

The results of the councillor survey revealed that 72% of respondents felt that the protocol was helpful. The Committee are invited to review the protocol and consider whether it needs updating in the light of experience and comments made during the course of the survey.

- 6.12 Remote meeting have proved particularly successful for the North Essex Parking Partnership Joint Committee meetings, obviating the need for councillors and officers to travel to different locations to attend meetings in the County. It has had a similar impact on the Colchester and Ipswich Museums Joint Committee.
- 6.13 Remote meetings have meant that agendas have been digital for all meetings. Whilst it can be more challenging for some meetings, digital agendas have proved successful and mean a budget saving with printing costs being eliminated. By way of background agenda printing costs in 2019/20 amounted to £11k. With digital agendas there is no need for a weekly delivery of papers to councillors and accordingly a further saving from ceasing home deliveries. It is proposed that all meeting agendas remain digital going forward, regardless of whether the meeting is face to face or remote unless there is a demonstrable need for a paper agenda for individual councillors.
- 6.14 One of the key benefits of remote meetings is the flexibility it provides to councillors and officers to join meetings, even if they are away from Colchester. A number of councillors have been able to join meetings whilst on holiday or otherwise away from Colchester, and in circumstances when they would have had to send apologies. With the Regulations making it clear that participation by a councillor at a remote meeting counts towards their attendance, the number of substitutions for meetings has been low.
- 6.15 All briefings for meeting chairs and group spokespersons have been remote during this period. The briefings have worked well and have eliminated councillor and officer travelling time etc. It is accordingly recommended that briefings for meeting chairs and group spokespersons remain remote going forward.
- 6.16 Remote meetings also bring challenges for those chairing meetings. The nature of remote meetings makes it difficult for a chair to seek officer informal advice during the meeting particularly from the Democratic Services Officer. However, with the Remote Meetings Protocol and a new way of working being embedded this becomes easier once the participants become more familiar with the meeting structure. The option is available for the chair of a meeting to be in a room with officers if required. This has been used for, Full Council due to the number of participants and the often procedurally complicated nature of the business being transacted.
- 6.17 Voting in remote meetings poses some challenges as compared with face to face meetings. The key in a remote meeting is transparency of decision making. It is important that the public viewing can understand how councillors have voted, as they would in a face to face meeting. This is particularly important for meetings where not all of the participants are visible on the screen. The Remote Meetings Procedure Rules provide that the chair of a meeting has flexibility to require that every question to be determined at a meeting is done so by either each councillor:
- (i) stating verbally whether they are for, against or abstaining; or
  - (ii) to indicate by a show of hands.

In practice this has led to most decisions being taken via a roll call particularly where the decision may be controversial or quasi – judicial. Other decisions where there is consensus could be taken via a show of hands or for a request for any councillor to indicate verbal dissent to a decision. It is however important that the chair retains some flexibility to deal with individual circumstances. It is suggested that the Remote Meetings

Procedure Rules and the Protocol be amended to clarify the circumstances when it would be appropriate to have a roll call and when to have a more informal process.

- 6.18 Remote meetings required the Council to adapt how the public participated with meetings via “Have Your Say!”. This was changed to permit either written submissions of up to 500 words or a live remote video contribution of up to 3 minutes. Members of the public are required to register and provide a written copy of their submission by 12.00 noon the day before the meeting. Whilst the need for this has been queried on occasions, it has proved invaluable as it is allowed submissions to be read to the meeting when some speakers have had technical issues joining the meeting. Both methods have worked well, and it is suggested that these options are retained going forward. The same facility has been made available to visiting councillors to and it is suggested that this is also retained going forward even if the meeting is hybrid or a face to face meeting.
- 6.19 It had been anticipated that remote meetings would take longer than face to face meetings, due to the slightly more formal structure and procedures such as voting by roll call. An analysis of the length of the remote meetings held to 4 September 2020, against the length of the meetings over the corresponding period in 2019 has been completed and is at Appendix 6. This shows a fairly marginal increase in the average length of a meeting from 2 hours 10 minutes, to 2 hours 18 minutes. However, there are notable increases in the length of some meetings: Cabinet has increased from 1 hour 55 minutes to 2 hours 39 minutes on average, and the average length of a Scrutiny meeting has also increased. The length of Planning Committee meetings has been reduced, but this will partly be explained by the change in the scheme of delegation whereby fewer applications are being referred to Committee.
- 6.20 One of the issues highlighted in the councillor survey is concern about the impact of long meetings being conducted online. The survey highlighted that 63% of councillors felt that they were given enough break times during meetings. The survey also found that 69% councillors felt that the four-hour maximum duration for remote meetings was too long. It is recognised that there are some meetings that by their very nature will be longer meetings due to the complexity of the business to be transacted. The Committee is invited to consider whether it is necessary either amend the Protocol or Remote Procedure Rules to address the issue in light of the comments made in the survey.
- 6.21 At its meeting on 10 March 2020, the Committee made a recommendation to Cabinet that the potential benefits of webcasting public meetings be considered further. Cabinet endorsed this recommendation at its meeting on 8 July 2020. Whilst the streaming of remote meetings through YouTube has met this objective, should the Council move to hybrid or face to face meetings, there would be a need to look again at streaming options. In terms of costs of a solution for streaming hybrid meetings, the Council is currently looking at an inhouse solution using existing equipment and it is intended that this will be trialled at the Full Council meeting on 21 October 2020.
- 6.22 If a more sophisticated solution were to be sought through a third party provider, such as Public I, the costs are likely to be significant, and in line with those reported to the Committee on 10 March 2020 when it considered the benefits of webcasting, which are set out below:
1. *Lease contract – To provide and install three HD quality cameras, webcasting software, hosting and support for a typical 60-hour contract for any period between one and five years starting at £24k for one year, reducing to below £15k annually for a £72k five year contract.*

2. *Purchase and installation by the Council of cameras, AV rack, associated equipment, integration with microphones and cabling at a cost of approx. £19k plus Lease contract - Webcasting software, hosting, support and on-line monitoring for a typical 60-hour contract for any period between one and five years starting at £11k for one year, reducing to below £8k annually for a £38k five year contract.*

Public I have indicated that to deliver a solution that would serve hybrid meetings effectively would need to be slightly adjusted to include additional hardware. There is currently no budget for such a solution.

- 6.23 It is suggested that work on future webcasting options continue with a view to a costed proposal being submitted to the Committee in due course.

## **7.0 Financial Implications**

As mentioned above the direct costs in enabling remote meetings amounted to £3.5k for councillors IT equipment and £500 for the annual Zoom licences. There is currently no identified budget for any webcasting solution.

## **8.0 Consultation Implications**

A public consultation exercise has been undertaken, together with a survey of councillors and officers in order to inform this report.

## **9.0 Health and Safety Implications**

- 9.1 Any hybrid or face to face meetings will be required to be Covid-19 safe. This means that in addition to complying with social distancing requirements etc, we will be required to undertake a Covid-19 health and safety risk assessment for individual meetings. We will also need to consider whether any participants are within any higher-risk health categories.
- 9.2 The Council's Corporate Health and Safety Officer has advised that it would be possible to configure the Grand Jury / West Committee Room to hold approx. 12 participants in its familiar layout. However, we would need tables/chairs set up reaching almost the length of both rooms due to the distancing needed between them. It may be possible to accommodate 2-4 of members of public at seats on the sides. Windows would be required to be open during the meeting to ensure good ventilation.
- 9.3 The Moot Hall could be configured with tables and chairs in roughly the Council Chamber layout but 1m distanced between each participant. This would go from the edge of the stage area to around slightly over half the length of the room, and then allow space behind for approximately 15-20 members of the public. The side doors leading to the outside balcony would need to be opened for ventilation, but it could be made Covid secure for meetings, however it would require stringent controls for entry and exit. As social distancing would be less than 2m face coverings would be required during the meeting.
- 9.4 Although not being recommended at this time, with 1m social distancing the Council chamber could be used by a maximum of 31 participants (roughly every other seat) and 4 members of public. However, as the Chamber has limited ventilation the fire escape door and window behind it would have to be kept open to increase the ventilation. Again, as participants would be under 2m apart face coverings would be required to be worn for the duration of the meeting.

- 9.5 The Council's Facilities Team are investigating whether the air handling units in the Town Hall provide fresh air as this may be sufficient ventilation instead of opening the windows and doors, although keeping them open to increase ventilation would be recommended where possible.
- 9.6 None of the options mentioned in 9.2 to 9.5 above are currently being recommended from a health and safety aspect. The current health and safety advice is to remain with remote meetings at this time, but keep it under review.

## **10.0 Environmental and Sustainability Implications**

- 10.1 There are direct environmental benefits with remote meetings which support the Council's green agenda and assist towards its CO<sub>2</sub> reduction ambitions. The most obvious one being the reduction in car journeys and CO<sub>2</sub> emissions for journeys to and from the Town Hall for meetings.

The following estimates indicative and are based on all councillors attending meetings via a petrol car based on 29 Council meetings and 628 councillor one-way journeys from home to the Town Hall and back.

Length of round journey (miles)	Avoided miles travelled	Saving of CO <sub>2</sub> (tonnes)	CO <sub>2</sub> avoided from vehicle emissions (kg)
4	1256	0.37	370
6	1884	0.55	550
10	3140	0.91	910

- 10.2 In addition there will have been a saving in electricity consumption at the Town Hall. Whilst this is difficult to attribute purely to remote meetings, the 19/20 annual emission figures for the Town Hall were 224,696.6 kwh of electricity in 12 months, which is equivalent to 57.4 tonnes of CO<sub>2</sub>. We would expect a significant reduction in 20/21 due to reduced use of the building both for meetings and other events.

## **11.0 Standard References**

There are no particular references to the Strategic Plan; community safety; risk management, publicity implications

### **Appendices:**

Appendix 1: 28 July 2020 Report to Governance and Audit Committee

Appendix 2: YouTube viewing statistics

Appendix 3: Councillor survey results

Appendix 4: Officer survey results

Appendix 5: Remote Meetings Protocol

Appendix 6: Length of meetings

# Governance & Audit Committee

Item  
**8**

28 July 2020

<b>Report of</b>	<b>Assistant Director of Corporate &amp; Improvement Services</b>	<b>Author</b>	<b>Hayley McGrath 508902</b>
<b>Title</b>	<b>Initial summary of Digital Council Meetings</b>		
<b>Wards affected</b>	Not applicable		

## 1.0 Executive Summary

- 1.1 At the meeting on 23 June 2020 the committee requested a brief summary of the implementation of virtual committee meetings, that were required as a result of the Covid-19 pandemic. This paper gives a summary overview of the work and meetings that have taken place so far, and invites Councillors, and officers, to provide their views to help inform a detailed review of digital meetings, which will be reported to the committee later in the year.

## 2.0 Recommended Decisions

- 2.1 To consider and note the summary of virtual meetings undertaken by Colchester Borough Council since June 2020.
- 2.2 To note the future review of digital meetings.

## 3.0 Reasons for Recommended Decisions

- 3.1 The process for digital meetings is still being refined. Therefore, this report is for information only and further work will be undertaken to provide a more comprehensive review of digital meetings and any necessary decisions that may be required.

## 4.0 Alternative Options

- 4.1 As the report is for consideration and noting there are no alternative options.

## 5.0 Summary of Work Undertaken

- 5.1 The government decision in March 2020 to put 'lockdown' restrictions in place meant that it was not possible to have face-to-face committee meetings and Council business was effectively put on hold whilst an alternative solution could be found.
- 5.2 Whilst the Coronavirus legislation allowed for annual meetings to be postponed until 2021, it was necessary to ensure that decision making could be resumed as soon as possible.
- 5.3 Whilst the Council had been investigating digital meetings previously, there had been no decision on digital solutions or processes. Therefore, a suitable video conferencing system had to be implemented prior to the decision-making process resuming at the beginning of June. A process for allowing members of the public to still have their say was also implemented.



- 5.4 The Council was not using any video conferencing systems prior to the pandemic and as a result there was a very short time frame to identify a suitable system, roll it out to all users, produce user guides and train all participants on how to conduct meetings, as well as ensure that they all had suitable equipment to allow them to participate in meetings.
- 5.5 Since 01 June a full 'cycle' of committee meetings has taken place with every member now having taken part in at least one meeting. The meetings are live streamed on YouTube and are available for download. The full list of meetings, and the on-line viewing numbers are shown below:

Meeting	Date	Views
Scrutiny	01/06/2020	292 views
Cabinet	03/06/2020	462 views
Licensing	10/06/2020	138 views
Policy and Public Initiatives Panel	17/06/2020	153 views
Planning	18/06/2020	429 views
Governance and Audit	23/06/2020	161 views
North Essex Parking Partnership	25/06/2020	100 views
Licensing Sub-Committee	01/07/2020	219 views
Scrutiny	07/07/2020	292 views
Cabinet	08/07/2020	340 views
Planning	09/07/2020	125 views
Local Plan	14/07/2020	365 views
Council	15/07/2020	329 views

- 5.6 The feedback from members, officers and the public has generally been very good. Whilst there is a natural desire to have face to face meetings all participants are getting used to the new skills of digital meetings. Democratic Services have not received any specific complaints or concerns about the meetings.
- 5.7 Some of the benefits of the digital meetings have included the ability of members to participate from wherever they are based, no paper agendas for any meeting and greater accessibility for the public - one of the public speakers for the Licensing Sub-committee joined from an overseas location and stated that she would not have been able to participate previously as she could not attend in person. The number of online views for each committee is considerably more than the previous audio streaming.
- 5.8 There have been some connection issues as members get used to the new systems and these have predominantly about logging on and use of microphones and videos. There is a guide to meeting etiquette, and on the whole participants are following it.
- 5.9 Digital meetings do require more officer support than physical meetings, especially at the start of each meeting. Currently at least two Democratic Officers and an IT support officer will be online to assist members with logging on, changing the names that are displayed, checking video and audio connections and signalling if a participant has dropped out, which may require a meeting to be put on hold until they can reconnect.

## **6.0 Future Review of Digital Meetings**

- 6.1 Currently there has been no decision about a timescale for physical meetings to be restarted and risk assessments are being undertaken to set out proposals for how limited meetings may be able to take place, in line with government regulations.

- 6.2 Whilst there have been no significant issues with regards to the digital meetings that have taken place, a full analysis needs to be undertaken to review the success and future options for digital meetings.
- 6.3 Therefore further work will be undertaken to review the full impact of digital meetings and set out recommendations for future actions, to ensure that there is a full and robust decision-making process whilst at the same time allowing for any social distancing regulations.
- 6.4 To help inform the review process all members will be invited to share their experiences of digital meetings and any suggestions they may have. A final report will be submitted to this committee later in the year.

## **7.0 Standard References**

- 7.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or financial; community safety; health and safety; risk management or environmental and sustainability implications.

## You Tube Viewing Statistics: June – September 2020

## APPENDIX 2

Meeting	Date	Number of live views	Peak concurrent viewers	Total number views	Total watch time	Average watch time	Meeting duration
Scrutiny Panel	01/06/2020	106	16	304	35	20.21	3.05
Cabinet	03/06/2020	240	40	483	96	25	3.05
Licensing Committee	10/06/2020	19	8	149	3	11.35	0.32
Policy & Public Initiatives Panel	17/06/2020	44	8	163	7	10.46	1.54
Planning Committee	18/06/2020	130	52	480	72	42.01	2.31
Governance and Audit	23/06/2020	57	10	204	14	14.56	2.28
North Essex Parking Partnership	25/06/2020	25	9	129	15	36.56	2.32
Licensing sub-committee - SEV	01/07/2020	57	7	261	12	13.26	2.3
Scrutiny Panel	07/07/2020	171	37	322	72	29.48	3.09
Cabinet	08/07/2020	136	28	419	48	27.49	3.1
Planning Committee	09/07/2020	33	17	176	17	31.43	1.15
Local Plan Committee	14/07/2020	129	41	536	72	38.56	2.45
Council	15/07/2020	192	38	383	96	32.46	4.01
Scrutiny Panel	21/07/2020	54	10	136	12	14.26	2.23
Scrutiny Panel	27/07/2020	56	25	117	20	22.59	1.12
Governance and Audit	28/07/2020	27	4	66	2	4.33	0.59
Planning Committee	30/07/2020	118	40	211	72	44.31	2.53
Policy Panel	05/08/2020	25	5	78	2	6.48	1.13
Licensing Committee	11/08/2020	10	4	41	0.23	2.22	0.18
Extraordinary Council Meeting	12/08/2020	60	23	132	26	26.08	1.31
Scrutiny Panel	17/08/2020	77	23	181	48	38.11	2.56
Scrutiny Panel	18/08/2020	70	16	164	33	28.57	3.56
Cabinet	19/08/2020	80	24	180	28	21.25	1.45
Planning Committee	20/08/2020	31	13	119	12	24.58	1.16
Local Plan Committee	24/08/2020	55	9	110	21	23.05	3.44
Cabinet	02/09/2020	88	21	139	41	25.02	2.39
Governance and Audit	08/09/2020	21	5	49	4	11.3	1.3
Crime and Disorder Committee	15/09/2020	48	5	48	7	9.48	2
<b>Totals</b>		<b>2159</b>	<b>average of 19 per meeting</b>	<b>5780</b>	<b>887 hours 23 minutes</b>	<b>23 minutes average watch time per meeting</b>	

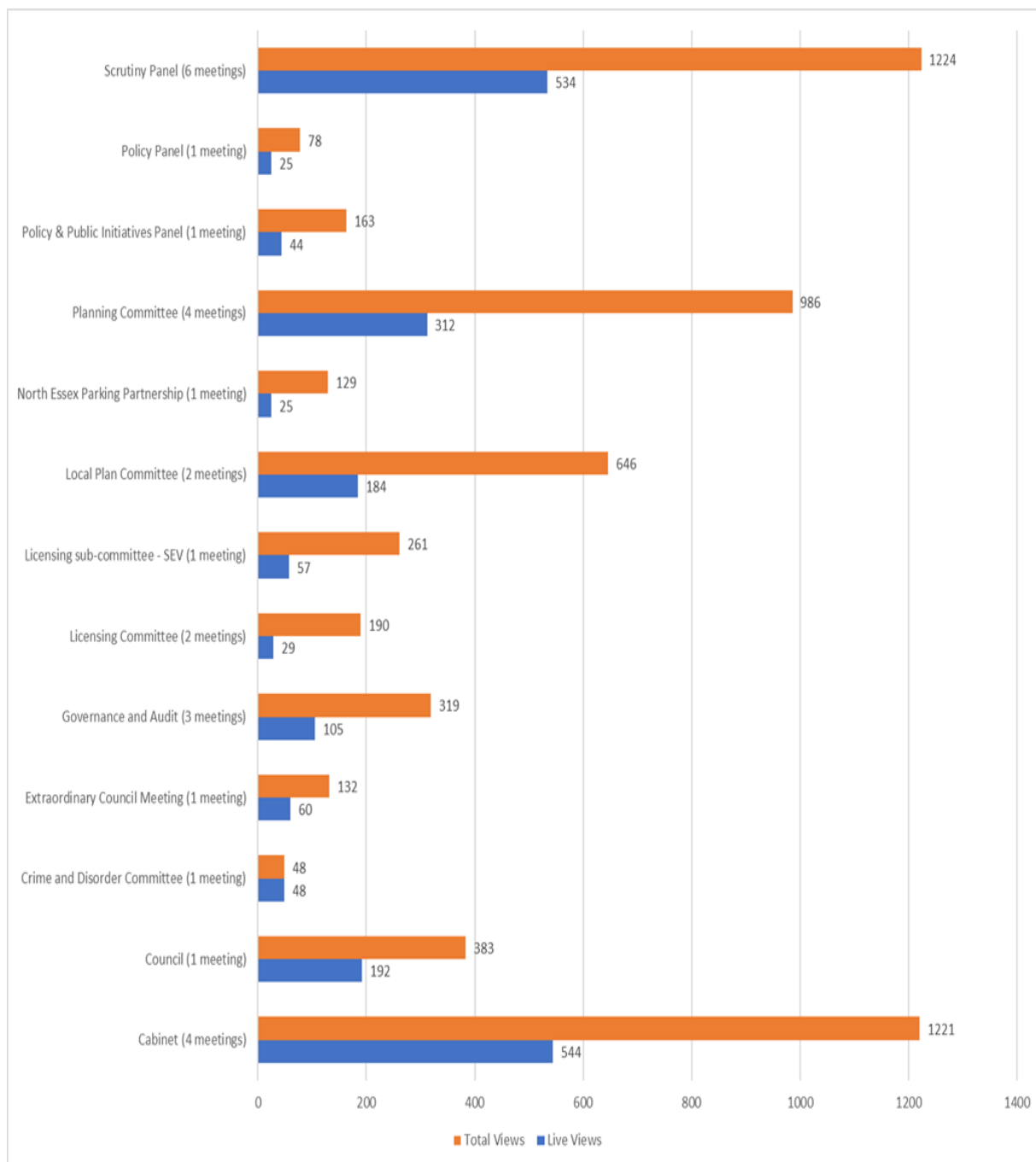
50 shares of the videos

64 Likes

8 dislikes

## Views by Meeting Type

(Live and Total Views)

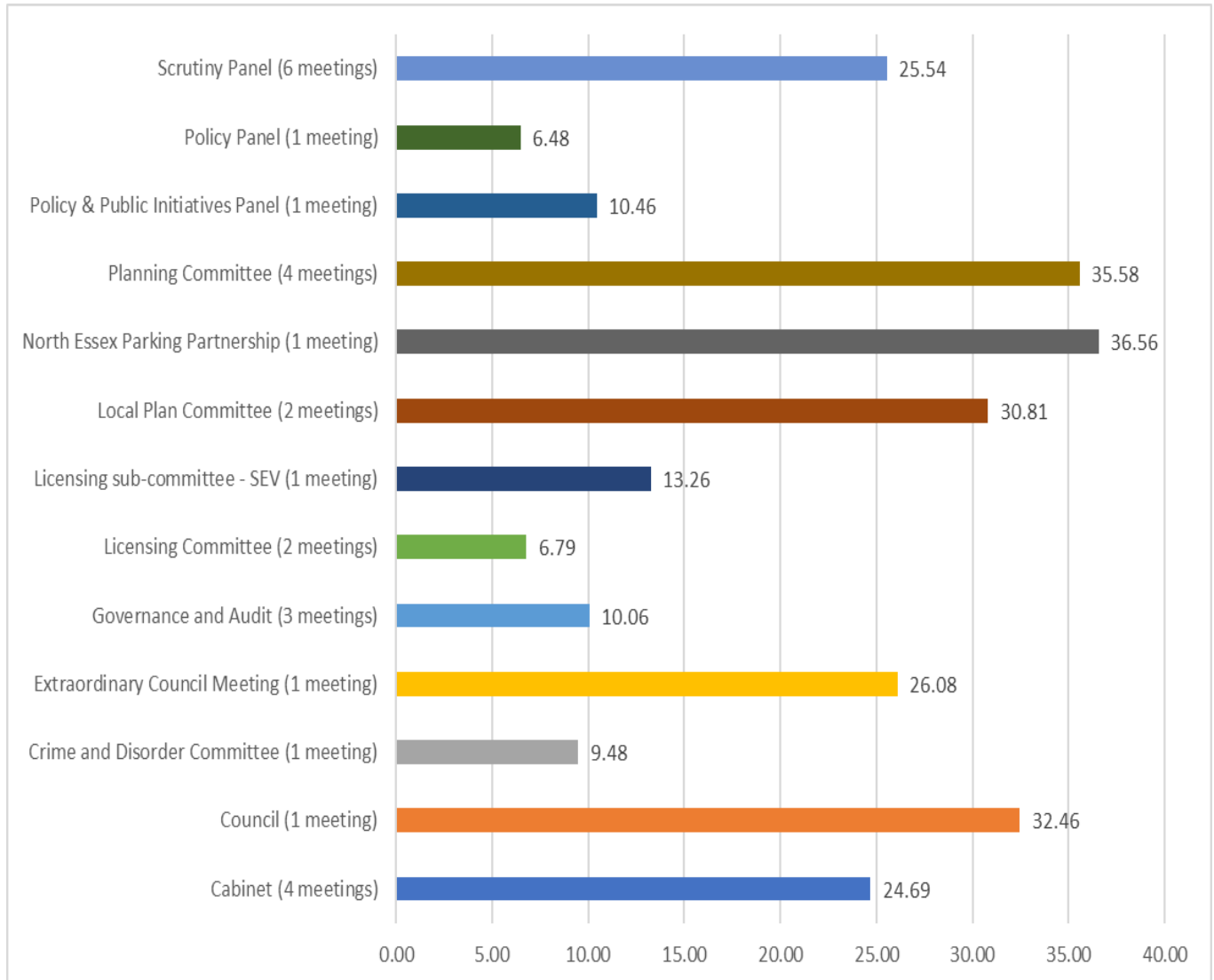


June – September 2020 – total views via YouTube = 5780

June – September 2019 – total listens via Audiominutes = 3517

## Average Meeting Watch Time

(In Minutes and by Meeting Type)



<b>Meeting Type</b>	<b>Average Meeting Length</b>
Cabinet	2.50
Council	4.01
Crime and Disorder Committee	2.00
Extraordinary Council Meeting	1.31
Governance and Audit	1.39
Licensing Committee	0.25
Licensing sub-committee - SEV	2.30
Local Plan Committee	2.95
North Essex Parking Partnership	2.32
Planning Committee	1.79
Policy & Public Initiatives Panel	1.54
Policy Panel	1.13
Scrutiny Panel	2.60



## **Remote Meetings Questionnaire**

### **Members**

#### **Introduction**

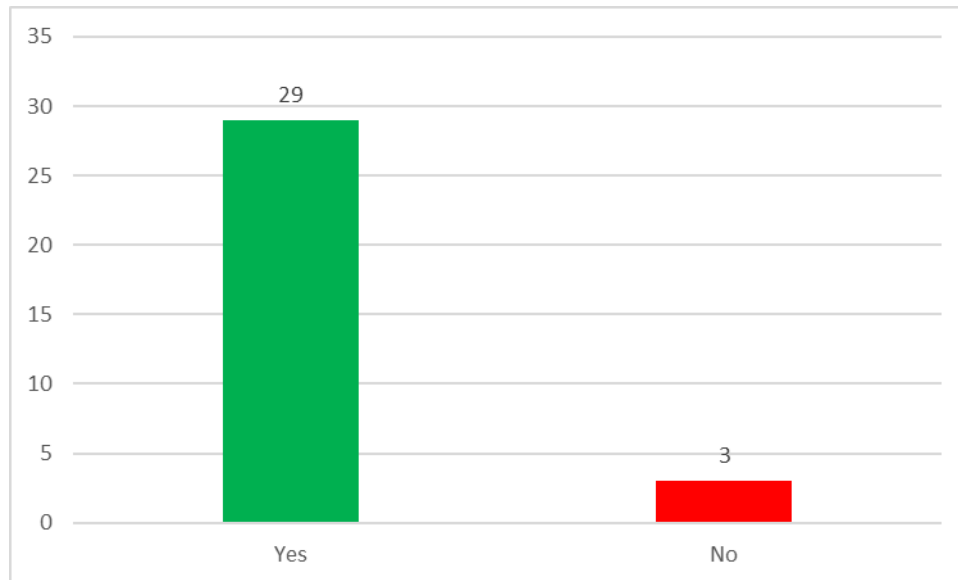
Since May 2020 following the Covid-19 Coronavirus lockdown, Colchester Borough Council has been conducting committee meetings on-line.

Now that all committees have met on-line, at least once, Members were asked to provide their views on how they have found the process, and if they have any suggestions on how remote meetings can be improved going forward.

Members were surveyed in September 2020 with 32 responses being received.

**Q1. Do you have the right equipment to enable you to fully participate in remote meetings?**

**If not, what do you feel would help you?**



**Comments:**

Luckily I have my own

Yes - but rather belatedly

Some more support  
needed navigating IT

Yes, plus a backup kit

Yes, although when on  
the go, headphones for  
use with a mobile phone  
would be helpful.

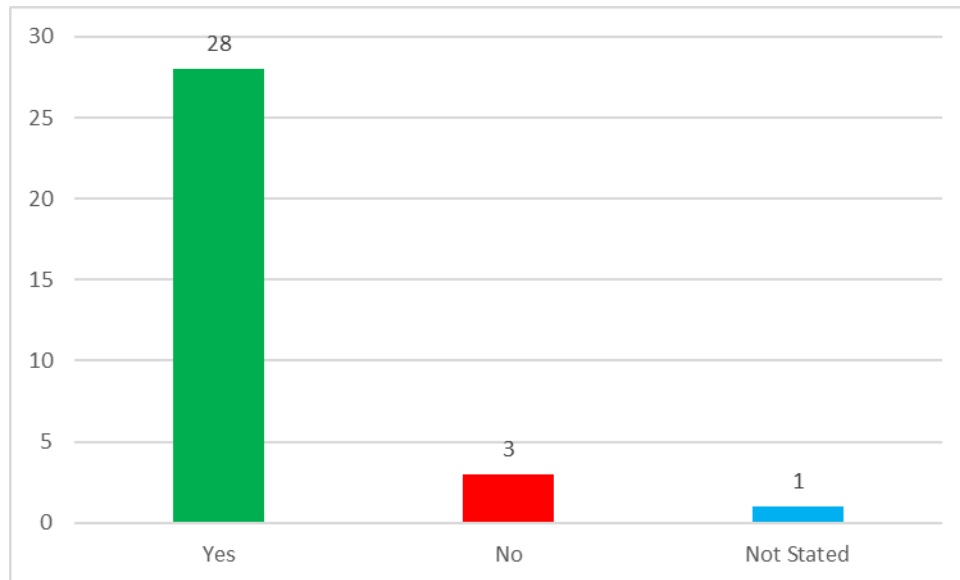
No mic on Laptop and no  
CBC email or calendar on  
iPad so a bit of  
forwarding goes on.  
Need to pick up emails  
on Ipad.

I need hard copies of  
meeting papers. I cannot  
read on line and take  
part in a zoom/teams  
meeting.



**Q2. Do you feel that you have received sufficient training to be able to participate in remote meetings?**

**If not, what further training do you feel that you need?**



**Comments:**

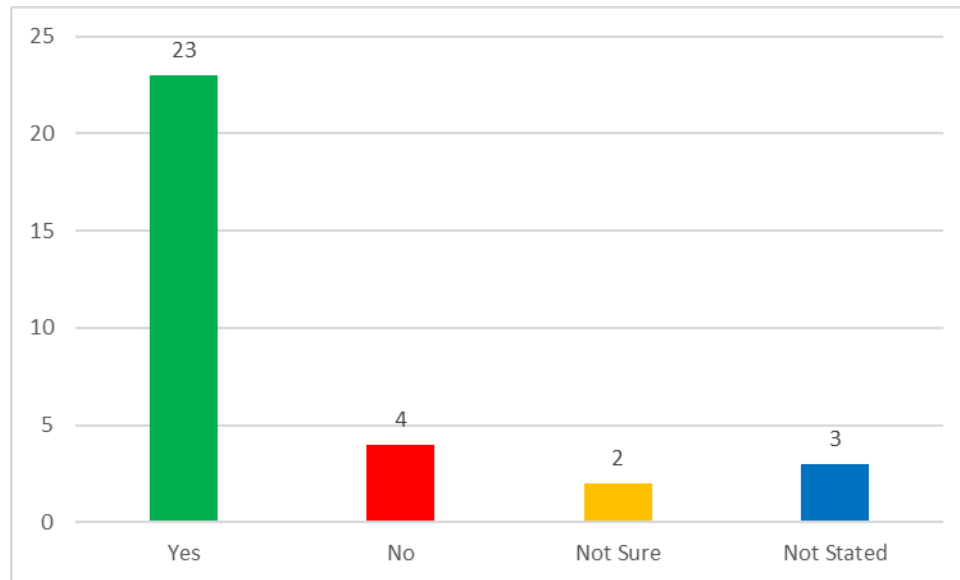
No - I am now able to access meetings but there were difficulties at the beginning and I feel that all Councillors should have been given full instructions much earlier on

At present I can only access Teams on my phone and not council laptop. This makes it more difficult to participate fully. I have requested help several times but as yet no one has solved my problem.

I need help with navigating moving from ECC teams and CBC teams

### 3. Do you feel that the Remote Meeting Protocol is helpful?

Are there any other issues that should be included in the Remote Meeting Protocol?



#### Comments:

Yes, but don't sit in the dark, also try not to have your face in shadow or sit in front of a window with sunlight behind you.

Yes the remote meeting protocol is helpful.

If you're going to read something out hold the paper up rather than looking down and all I can see is the top of a head. When speaking turn camera on. Keep slides to a minimum.

Reminders that the public watch these meetings and having Councillors roll up cigarettes and smoking is not a good sign. Also drinking alcohol and asking for alcohol on screen is not a good image.

Feel though that all should be reminded in making sure that we put a good image over when on camera.

I think we need more clarity on how often we need votes when there are no objections to proposals and things can be passed nem con.

Some meetings have left members of the public as part of the meeting when they should be removed. This needs tighter management in future.

Not sure what the protocol is?

Just a reminder that in public meetings councillors should remain visible.

Clearer instructions on indicating to speak - electronic hands up or waving frantically. Keep mics off.

## Q4. What do you feel are the benefits and disadvantages of remote meetings?

### 4a. Benefits:

The answers to this question have been grouped into the below themes:

Saves on time, travel and money	Better than nothing when it is not possible to hold actual meetings.	Easier to attend.	Safer at home Easier to book No disadvantages
Keeps councillors focused.	Being able to meet without risking staff and cllrs also it saves from an environmental perspective by reducing pollution.	Only benefit is that meetings are being held and decisions made.	Easier to fit around work and childcare commitments.
Objectivity, lack of interruptions, control.	Less need to travel in to town so often, especially during winter and cold wet evenings.	Clothing can be less formal.	Flexibility, more time efficient (especially if a visiting councillor).
Remote Meetings are valuable as a supplement to normal meetings. They can be quickly set up and organised, as well as recorded and broadcast.	The "Chat room" is really quite useful.	Remote is good for briefings.	Ability to attend to other matters (without first seeking the consent of the Mayor or chairman) during boring contributions, or those that just repeat what has already been said.
	Not having to Shout at people when they can't hear me.	No travel means not getting stuck in traffic = more time with family therefore less resentment.	

## 4b. Disadvantages:

The answers to this question have been grouped into the below themes:

You miss the human contact.

Personal interaction,  
discussion with colleagues,  
gaining information from  
officers.

Remote meetings do not allow  
members to fully interact with  
each other.

Meetings take longer. Harder  
to concentrate on the  
discussion.

Can't read body language  
especially on full council  
meetings when you need to  
scroll through all the screens.

No before or after chat which  
is often an important  
opportunity to find common  
ground and resolve issues.

it's hopeless in term of public  
scrutiny as we are feeling too  
safe in our own territory.

When a controversial planning  
application comes before the  
committee, remote meetings  
do not convey the strength of  
feeling among the public  
attending.

Not so easy to have a full  
discussion as someone may  
raise a point but it is difficult to  
ask questions while they are  
talking and the moment could  
have passed by the time you  
are able to speak.

Communication is often more  
than verbal, body language is  
lost on Teams and Zoom.

With no travel required - that  
time is regularly filled with  
another meeting. This can lead  
to eye strain and brain faze.

The disadvantage is that there  
is now hardly any break times  
and we do need to build these  
in more.

Responses can be slow and not  
so spontaneous at times. Eyes  
get very tired looking at the  
screen.

No atmosphere .. no eye  
contact ... no social  
interaction.

Loss of human connections  
with fellow councillors.

Connectivity is a problem also  
residents can feel left out if  
they do not have the  
equipment.

Can't informally interact with  
others. Hard to "read the  
room" especially when  
chairing.

Possibility that less  
preparation will be carried out  
for meetings.

Danger of parties becoming  
further apart with polarisation  
without face-to-face contact.

## Q5. Do you feel that there are any areas of remote meetings that could be improved?

If one is not on the particular panel / committee, having to access the meeting through YouTube is a nightmare. There should be the possibility for non-panel members to join too.

Voting by hand rather than named vote, except for reasons normally given in full council.

We should be supplied with council laptops.

Keep agendas as short as possible. I'm not a fan of the chairing style where the chair comes to every member in turn for questions.

Dress code for Councillors. No silly slogans displayed on screen.

Shorter meetings.

The time lag when people are trying to umute Perhaps need an officer to do that quickly for all.

Perhaps the concept of a chat room before meetings could improve interactions between Councillors.

On the whole I think staff have done well to get us all up and running!!!

Is there a way of looking/referencing at the agenda details/page when on the screen. Looks like needing two screens, one for being on the meeting and one to follow the agenda.

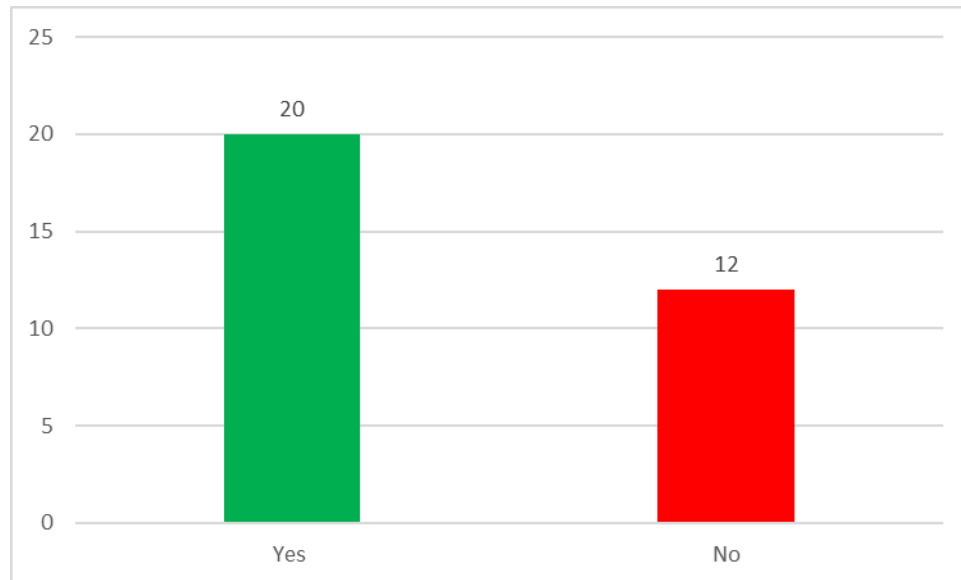
I think we could take more advantage of opportunities for submitting questions without needing to speak. It would save time if we could use the chat function, or something similar, to submit questions.

Currently just everyone learning that muting the microphone when not speaking is essential. As is ensuring it is muted and turning off the camera during breaks.

How voting is handled especially in full council.

## 6. Do you feel that you are given enough break times during meetings?

If not, what do you think is a reasonable time between breaks?



### Comments:

90 minutes.

Staring at a screen is a tiring experience. I think a minimum of 10 minutes between sessions is essential.

Shorter meeting talk time and regular breaks, every 45 minutes there's a 5 minute breath.

No. even when its my own loo I have to dash and there still isn't time to put the kettle on as well!

Finish by 8pm.

It's incredibly tiring making sense of spoken word. Sometimes I realise I'm concentrating so much on understanding what's being said I realise I've lost sense of what is being said. I only need 1 speaker to not be clear and then I'm playing catch up.

Sometimes the meeting goes on for more than 2 hours before a break time.

Enough break times.

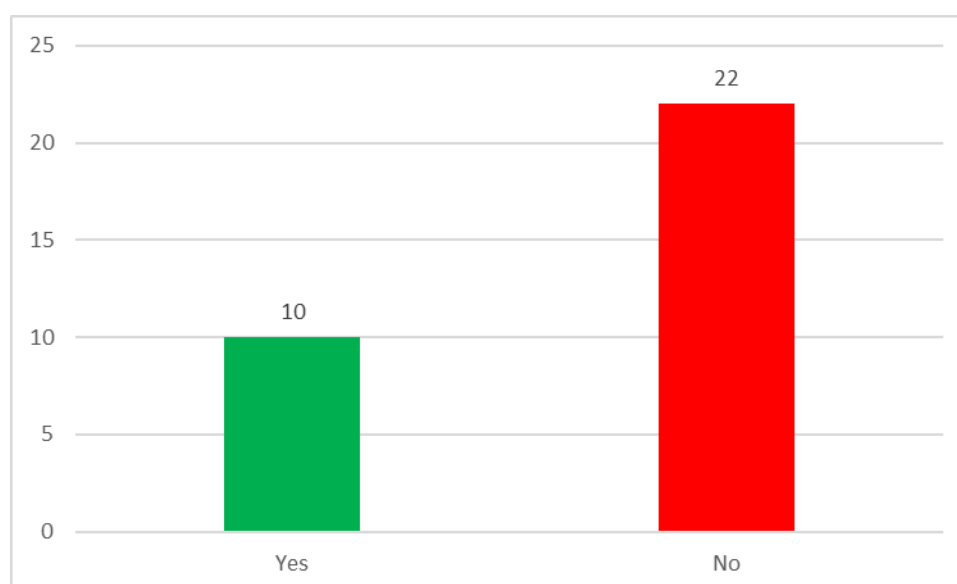
A 10 minute break should be sufficient. Although perhaps a 30 minute break during a very long (4 hour meeting) would enable participants to eat supper/dinner/tea.

Rather have 5 minutes every hour than longer less often.

Length of agendas need to better reflect the concentration and endurance of members. Evening meals seem to be a thing of the past . I often have 4 evening meetings per week.

**Q7. Currently the maximum meeting time allowed is four hours, do you feel that is appropriate for remote meetings?**

**If not, what should the maximum meeting length be?**



**Comments:**

3 hours quite enough, except perhaps for Full Council.	3 hours max.	No, unlimited and on chair and committee discretion.	No meeting, whether real or virtual should last more than 2 hours.
This is a non-issue.	I think 3 hours should be the limit.	I believe four hours is too long staring at a screen, even with breaks. I would suggest a maximum of three hours with at least one break.	Types of meeting should have a target ideal. Many meetings should be no more than an hour. Committee meetings of any kind should be no more than 3.
I think that 3 hours should be the maximum. Its very hard to concentrate for 4 hours on a video call.	No. This is much too long to be sat at a computer. Perhaps 2 hours would be sufficient.	We should be considering indicative timings for items on long agendas which will help give people an idea of whether we are running ahead or behind schedule and if there'll be a rush to meet a deadline.	It's not ideal. Four hours is really too long, but I understand that the roll call for votes is the main factor that lengthens meeting times.
It all depends on what is being discussed but if meetings are too long then it makes it difficult to concentrate.	I really don't think any meeting should last longer than two hours as even with breaks.	Far too long - 2 hours. Cut the waffle and just get the business done.	Exhausting, not only for the hearing impaired but those that struggle with vision.

**Q8. If you chair a committee or panel, are there any particular challenges that you face performing that role in a remote meeting?**

**Comments:**

I don't chair a CBC meeting but do chair others (eg CBH) and find the challenge is to keep a number of balls in the air; particularly spotting who wishes to speak in a meeting of 24+.

I am not chair of any meetings, although I would think the chairperson has to be very alert.

Noting break times, reading the room on whether formal votes are necessary or not. Having to keep attention to several things during the meeting (speaker, hands up in the participant pane, any interjections or potential connection issues).

Not really - but I have to use two computers - one for the electronic papers and one for the Zoom call because flitting between two screens can be difficult while still trying to chair the meeting.

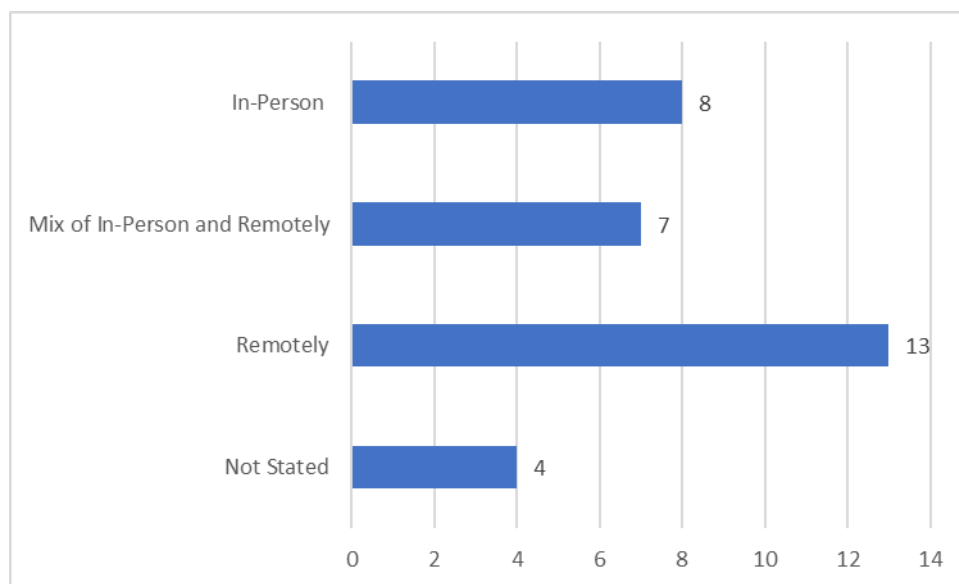
No, all ok.

Meetings too long.

The democratic services staff have been excellent. So no.



## Q9. How do you think future meetings should be conducted?



### Comments:

We should meet in-person for crucial, important meetings but others could continue remotely.

I believe the Council ought to now return to the Town Hall and Rowan House. When Members and Officers can meet together, democracy will be better served. Virtual meetings ought to now be restricted to occasional training sessions, if essential.

As they are until it is safe to return to normal public meetings.

As now. But a firm reminder of meeting disciplines, hands etc and a mandatory break at 90 minutes unless the meeting is close to an end.

Would like to see an element of remote meetings kept long term - maybe hybrid enabling people who cannot attend physically to still participate (attendance by Councillors has gone up and substitutions down) and briefings etc could be kept online.

As many as possible should be conducted virtually. Certainly ALL briefings. Cllr's and officers should be afforded the opportunity of attending physical meetings 'virtually'. For example visiting Cllr's to Planning Committee could be given a 10min warning that their slot is approaching, giving time to prepare, attend and leave the meeting. A process which up until now has taken a considerable amount of time (driving in, parking, sitting through a plethora of applications until yours is reached,

a sensible mixture of online/real as far as is possible in covid-19 scenario.

In-person with option to dial in, especially if visiting and especially for briefings.

**Q10. Are there any other general issues or concerns, relating to remote meetings, that you would like to raise?**

Difficult for members with families to attend a meeting without interruptions. Also it is difficult when things like phone calls or people coming to the door occur. Members would either have to ignore the call or leave the meeting for a time and therefore miss what other members have said.

I think we should carry on remote meetings but have physical meetings peppered in.

I think, frankly, that they have worked pretty well, and hats off to those as who have organised and sorted them out - at pretty short notice. I would like the facility to have a copy of what i've said here, please (!) Roger Buston.

A strain on eyes and concentration, meetings too long and no interaction with others in the meeting, difficult to read agenda notes and look at screen.

Lower public attendance.

Meetings are too long.

No, but there may be issues around the ability of the public to access meetings that we need to understand.

They do allow flexibility around attendance and are an easy way for the public and expert witnesses to participate.

I would like to take this opportunity to thank the various staff and officers who have worked hard to ensure the remote meetings flow as smoothly as possible.

Making sure officers and members put over a good image on camera.

If these are to continue in the longer term, we might want to consider using different types of formal and informal virtual meetings. For example, it would be interesting for the Cabinet to have a meeting that was entirely Have Your Say, answering questions from residents.

Just to thank the democratic services team for their efforts so far.

Zoom is feeling the strain and is overloaded. Last night's meeting was breaking up.

It feels less democratic in terms of the public. Although I do appreciate they can tune in, there is no immediate feedback. We don't like heckling but it's the fastest way to get feedback.



## **Remote Meetings Questionnaire**

### **Officers**

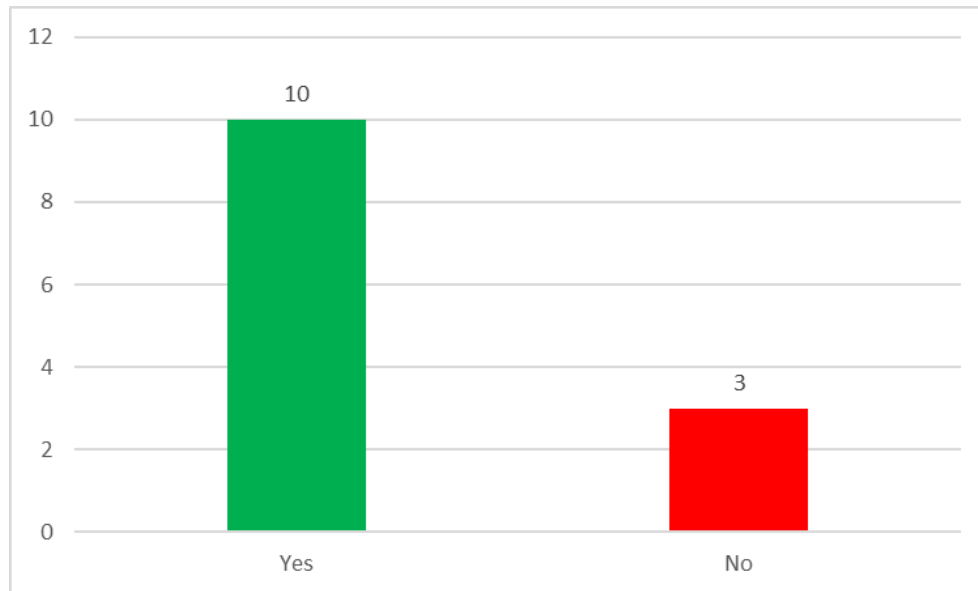
#### **Introduction**

Since May 2020 following the Covid-19 Coronavirus lockdown, Colchester Borough Council has been conducting committee meetings on-line.

Now that all committees have met on-line, at least once, Officers were asked to provide their views on how they have found the process, and if they have any suggestions on how remote meetings can be improved going forward.

# Q1. Do you have the right equipment to enable you to fully participate in remote meetings?

If not, what do you feel would help you?

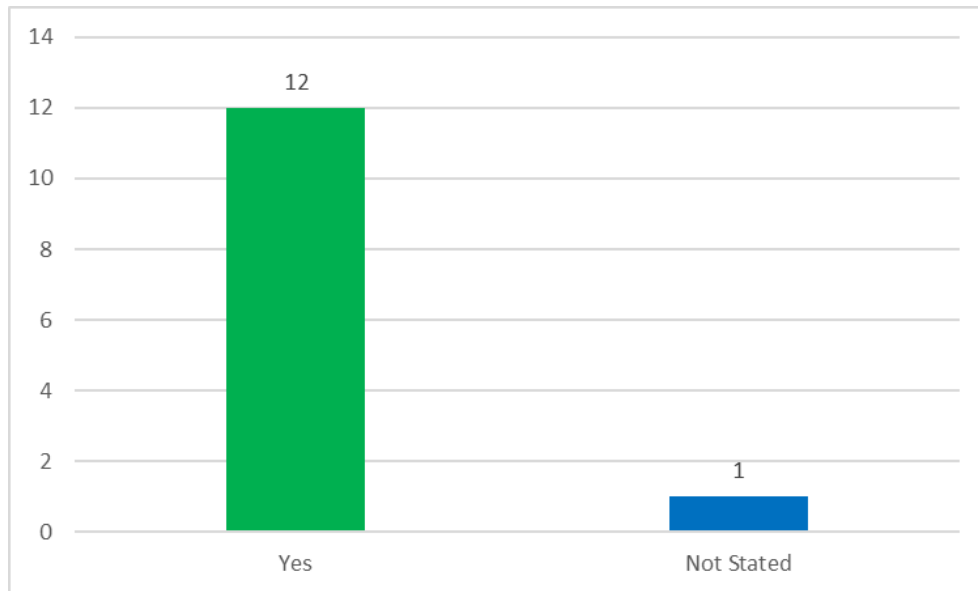


## Comments:

Now I have a new laptop I do.	I am currently using my phone to do Zoom meetings; it would be far better to download zoom on to my cbc device.	Yes but these are all personal equipment, not CBC equipment.
I have appropriate equipment (although it is my own and not CBC).	Some colleagues still have Wyse boxes!	A CBC LAPTOP! For presenting at committee I will need to have two screens, one for the webcam and another for documents/notes.
Equipment fine - wifi sometimes iffy but that is my problem!	Yes but reliant on having laptop for Teams/Zoom and desktop for documents. Laptop has failed a couple of times.	Not really if it is on ZOOM.

## 2. Do you feel that you have received sufficient training to be able to participate in remote meetings?

If not, what further training do you feel that you need?



### Comments:

Happy with the training I received.

Yes but refresher training would be useful as I am attending less remote meetings due to the change in delegation.

I'm wondering whether Members have access to the online sharepoint area for training? If they do, some general zoom training would be good to go on there (and also for officers).

Training should be targeted at those who are struggling to use the technology (some Members and Officers seem to have a more difficult time). I believe there is an enabling officer in IT now - I know they are busy but targeted training is helpful and they could be used for this type of training.

Yes - Mandy Chidgey did a great session before her retirement.

Yes - well supported by Democratic Services - thank you!

### Q3. What do you feel are the benefits and disadvantages of remote meetings?

#### 3a. Benefits:

The answers to this question have been grouped into the below themes:

Better focus on planning issues and less political group actions.

For planning committee I find the IT much better at home - SharePoint on the iPad via HDMI to a TV in the Council Chamber always felt one step from simply not working. It works well at home.

Less officer time, faster resolutions, information is quicker to obtain, easier to prepare for, better for the environment (i.e. not required to attend Town Hall).

Time efficiency (no travel time)  
Sharing documents on screen ensures that these can be seen clearly by all involved

Brings better discipline in terms of debate and discussion. Allows those who cannot be physically present to participate remotely.

Decision making based on merits rather than members being swayed by presence of large crowd. Increased delegation so committee can focus on important matters.

You get to deal with the issues at hand

Huge benefit in not having to travel, saving in fuel and time, and kinder where meetings are held at more antisocial hours. Could be played back if any doubt over proceedings.

More viewers - arguably better participation and more democratic recorded for Members of the public / officers.

Don't get home so late.

Less formality - time to eat before evening meetings for eg. as no travel  
No travel and less opening of buildings - carbon reduction and corporate savings on energy As AD it means I can be available but not have to sit in the room for every meeting (if an item is presented).

### 3b. Disadvantages:

The answers to this question have been grouped into the below themes:

Less personal contact and informal conversations before and after.

Public feel less engaged and that meetings are less accessible.

Voting takes longer by needing a roll call.

Not much atmosphere online. Contentious applications generate a tension that's hard to match when they are heard in the Council chamber. Pure electricity on your Thursday night!

Very tiring (more so than face-to-face meetings)

Difficult to forget relationships.

Unable to have informal, 'off-line' conversations to build relationships and catch-up.

The heckling, the chanting, the ominous/angry looks from objectors. I can live without it though.

Meetings more informal and not as well structured as the usual interjections from officers to clarify matters and keep the meeting moving are harder to do - you can't catch the Chairman's eye over zoom.

Not being able to pick up on body language.

IT/internet errors (if they occur).

Lack of physical contact and interaction means some of the more informal communication between participants does not take place.

No way of cutting off if people go too far.

Unable to control background noise.

Difficult when only attending for one agenda item and are waiting to be called. I waited for 1hr and 45 minutes sitting at my screen and was then advised I could stand down.

Work station is in a family room and difficult to use if attending a evening session. Family are unable to watch TV etc

#### 4. Do you feel that there are any areas of remote meetings that could be improved?

I think Democratic Services have done a brilliant job in such a short timescale - I think they are responsive and pro-active and work incredibly hard in some very difficult situations.

Voting process could be made more dynamic.

Making sure that you the meeting is run progressively and in a timely manner. Improving all the time i.e. removing public speakers at appropriate time.

Enabling/providing staff to have faster internet connection would be an improvement; Ensuring staff have large screens so that documents/plans can be viewed clearly and all/most attendees of the meetin

I think they work well.

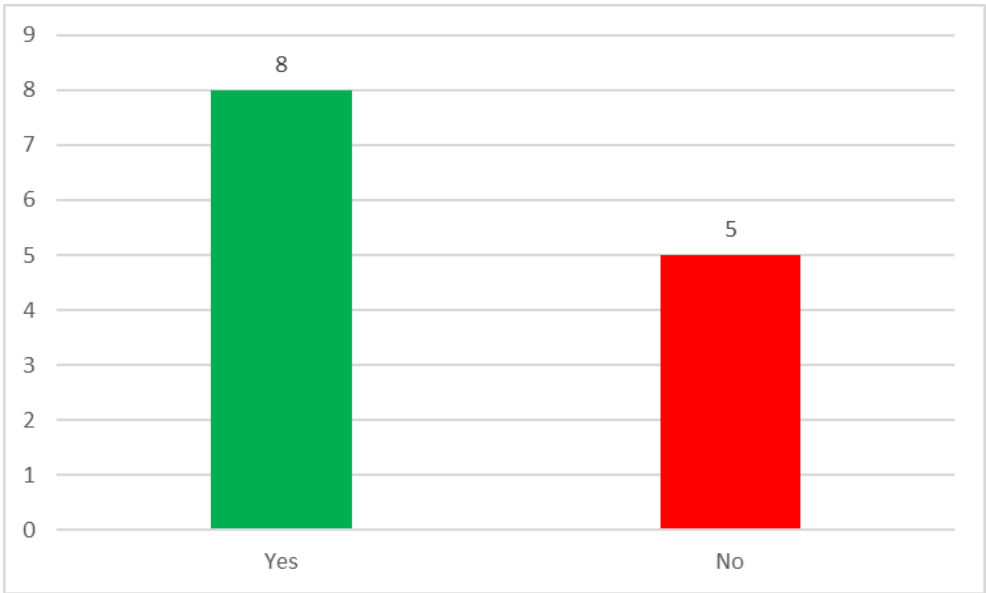
It works perfectly well if chaired properly.

Limit member comments/questions to a maximum of two individuals before officer allowed to respond.



**Q5. Do you feel that you are given enough break times during meetings?**

**If not, what do you think is a reasonable time between breaks?**



**Comments:**

Reasonable breaks have been given during planning committee meetings.

Need break after two hours

2 hours

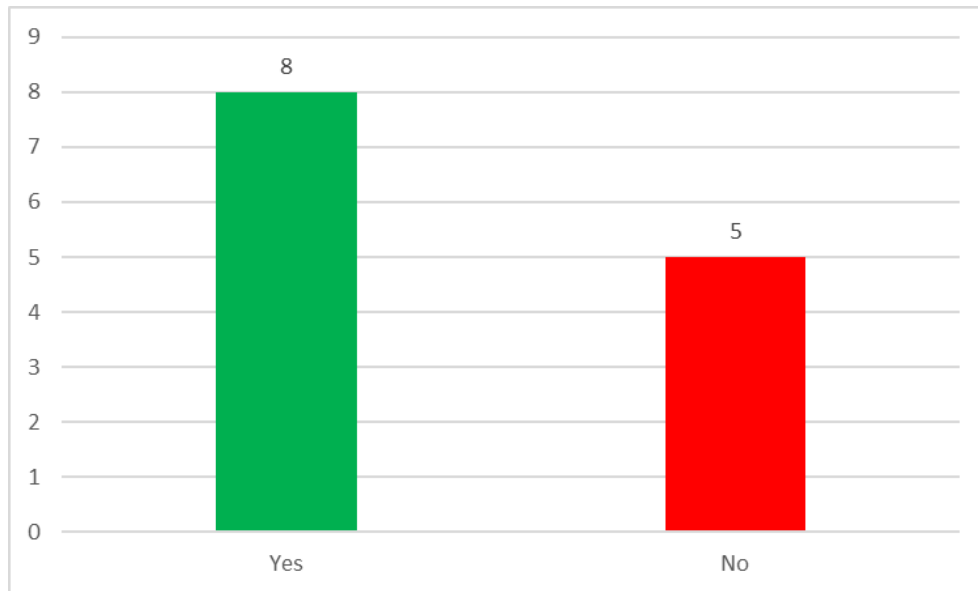
No - you need at least 10 minutes break between meetings days when I have 4/5 meetings I am exhausted.

Breaks are usually judged by the agenda item or around 8pm which isn't always the best time.

We don't tend to break in our meetings as they are generally hearings.

**Q6. Currently the maximum meeting time allowed is four hours, do you feel that is appropriate for remote meetings?**

**If not, what should the maximum meeting length be?**



**Comments:**

It depends on each case but four hours with a break seems reasonable to me.

4 hours is a considerable time, although Planning Committee meetings can be longer (as a necessity if there are a number of applications to discuss and deliberations are extensive) - 5 hours should cover this.

Dependent on the topic/subject and breaks permitted.

I think 4 hours is sufficient.

3 hours including breaks would be preferable. Remote meetings are hard work/tiring especially after a full day's work.

Yes, four hours is plenty.

No longer than 4 hours.

3.5 - with a break

I can handle 4. Any more would be a push though.

I haven't had a four hour meeting yet but I would think this is too long.

There is likely to be a break within the 4 hours. I have had training sessions on screen for 4 hours and this has been a max.

**Q7. If you present or advise a committee or panel, are there any particular challenges that you face performing that role in a remote meeting?**

WIFI dropping out!

Just ICT - worry that something won't work or connection will be lost and the need for either hard copies of documents (which isn't ideal) or another device.

Working from home and having home commitments/distractions. Also, the working environment at home is a little cramped so not overly comfortable for a long meeting.

Advising the chair privately can be quite challenging - perhaps the protocol should be that all chairs/advising officers must have a WhatsApp group to facilitate

No - I find it easy. If it's a PPT, I think as long as you liaise with the Democratic Services Officer to ensure you've decided who's driving the PPT then it should be fine.

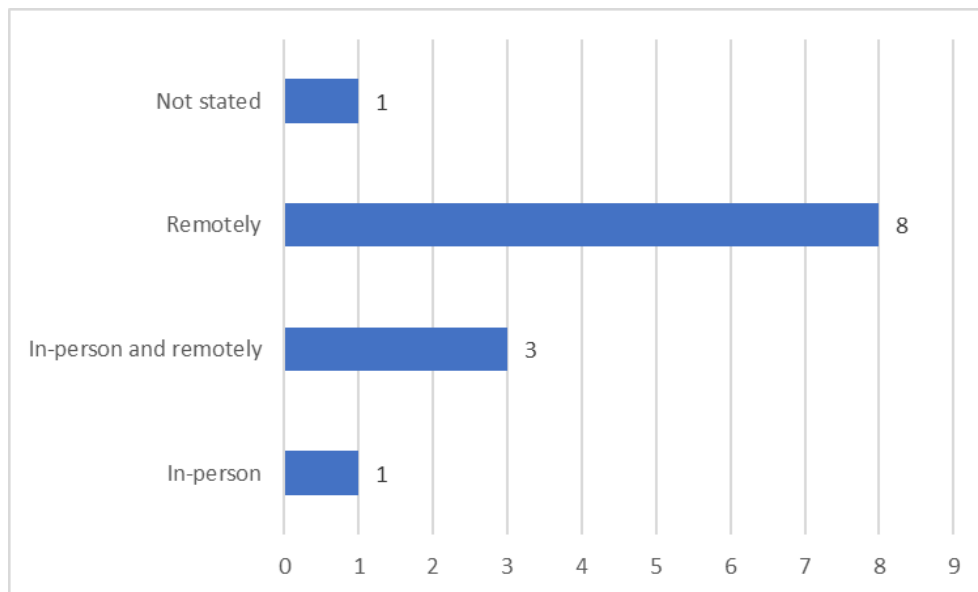
It is difficult to catch the Chairman's eye, and to engage with other officers individually.

Not being able to communicate with colleagues (other than by text or Teams chat) is a little difficult - queries are more difficult to resolve.

The protocols around being able to speak or contribute when presenting slides on Teams, as the presenter you are unable to see reactions or notifications.

When waiting to be called to present. You do not join the meeting the usual way and are only required for one item. This is fine if your item is first but more difficult if you are further down the agenda. You have no idea if the meeting has started or if it is over running whether you will be called in the next 2 minutes or the next hour, you just sit waiting anxiously.

## 8. How do you think future meetings should be conducted?



### Comments:

Licensing Hearings would be better conducted in person than over Zoom. The level of informality afforded by a virtual platform is not ideal in appeal cases and hearings where outcomes can be appealed to court and people's livelihoods depend on the proper consideration of all matters.

Ultimately, remote meetings are likely to be more efficient for attendees (due to reduced travel time etc) and more accessible for the public (as they can view online), but the working practices are quite difficult in my role at Planning Committee.

A mixture of online and town hall.

Online/virtual is definitely the best choice.

If you are waiting to be called you should be advised that the meeting has started, the time when you are expected to be called, if the meeting is over running and the new time.

Evening meetings are definitely better for officers online as they have often had a full day of meetings anyway. I think a combination would be ideal.

All online. It's the future.

**9. Are there any other general issues or concerns, relating to remote meetings, that you would like to raise?**

Some attendees need to be aware that they have to be able to familiarise themselves with the technology fully - both the hardware and software - before taking part.

Staff need the equipment urgently, the roll out of laptops has been far, far too slow.

Publicity and notifications need to be automated for the public.

# Colchester Borough Council

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## Remote Meetings Protocol

### 1. Introduction:

The following guidance is intended to provide Councillors with useful information to assist with navigating new ways of working, and in particular preparing for and attending remote meetings. Information considered to be of specific use to meeting Chairs is highlighted separately to form a useful quick reference guide.

### 2. Meeting location and paperwork:

The time of meetings, together with agenda documents, will be published on the Council's website. Instructions on how to access the meeting remotely will also be provided. [www.colchester.gov.uk](http://www.colchester.gov.uk)

Councillors will be notified of a remote meeting by an Outlook invitation, with the meeting password sent separately in a different Outlook invitation for security purposes. The invite will contain links to all relevant papers and to the meeting itself, to enable Councillors to join as participants as opposed to observers.

### 3. Preparing for the meeting, practical arrangements

These steps are particularly important for participants in meetings viewable by the public, but also apply to any others.

- Substitutions: Where you will be represented by a substitute, as much notice as possible should be given to Democratic Services, with details of who will be substituting as soon as this information is known, and at the least by midday on the day of the meeting. This will enable any necessary arrangements to be made to ensure that all Councillors who will be members of the Committee meeting may be accommodated and are in receipt of the correct meeting paperwork.
- Please note that due to logistical difficulties, it will not be possible to make printed agendas available for any meetings. If printed copies of paperwork are required then you will need to make the necessary arrangements to provide these yourself.
- Try to ensure that you are joining the meeting from an area in the home where you are less likely to be disturbed, and pay particular attention to anyone else in the area who may be able to overhear parts of the meetings – in particular any confidential or exempt from publication items that may form part of the meeting;

- Turn off noise sources such as television and radio and ensure that any smart speakers are turned off (Amazon Echo, Google Home etc) as they could turn on or inadvertently record the meeting.
- Try to ensure that the broadband connection is sufficiently stable to join the meeting. If your connection has low bandwidth, you may find it helpful to reduce the number of users or other devices that are using your broadband connection, turning them off for the duration of the meeting. You might find it easier to join using your mobile phone's data allowance, or if absolutely necessary by making a voice-only call – instruction on how to do this will be provided with the email inviting you to the meeting.
- Try to ensure that your background is as neutral as possible (a blank wall is best), and that it contains no political slogans or posters. Even if the option is available to you, you should resist the temptation to change your background to an idyllic beach scene!
- Your name will be shown onscreen if you are appearing in video; all Councillors are asked to ensure that their name is in the same format, for example 'Councillor Mark Cory', to enable members of the public to identify easily who is a Councillor and who is an Officer, and to recognise Councillors they may not have seen before.
- Before joining the meeting, double check to make sure that your camera is positioned to provide a clear, front-on view of your face. This may involve thinking about lighting in the room you're in (for example, sitting in front of a window may plunge your face into shadow). It may also involve putting your webcam, laptop or tablet on top of a couple of books so that you can look into the camera face on. Carry out a test or preview of your display before joining the meeting;
- Try to take an opportunity to practice with the functions of the software you are using to access the remote meeting. Guidance notes will be provided in a separate document, but if you have any concerns or worries, please contact Democratic Services before the meeting. Of key importance during a meeting will be the ability to mute and un-mute your microphone, and to indicate to the Chair that you wish to speak.
- Where possible, arrange to use a headset during the meeting rather than the speaker and microphone built in to your device. Not only will the quality of your audio be dramatically improved, but audio quality for all participants will be also. This is of particular importance should anyone participating have a hearing issue.
- Try to ensure that you aim to 'arrive' at the meeting no later than 15 minutes before it is due to start. In this way, there will be an opportunity to address and resolve any technical issues.

- Keep the contact details of Democratic Services Officers who will be facilitating the meeting handy so that you can contact them with any issues that you may have attending the meeting easily.
- Please give some extra thought into any input that you wish to have into the meeting, having read the meeting papers through carefully. If you wish to speak or ask a question, you may wish to contact either the Chair or Democratic Services before the meeting so that your intention to speak can be noted and will be addressed in the meeting. You may wish to liaise with individual Officers prior to the meeting to seek clarification on any points in reports you feel necessary, and which may assist with concise delivery of the relevant report. You will also have the option of indicating your desire to speak during the meeting itself by utilising the 'raise hand' function of the Zoom software – for security reasons, the meeting 'chat' function will be disabled.
- Having considered the agenda document, Councillors should also give careful thought as to any pecuniary or non-pecuniary interests that they may have to declare in relation to any agenda items. Any such interest should be communicated to Democratic Services as soon as possible, so that any arrangements necessary can be made to ensure that the meeting runs as smoothly as possible. This may include excluding you from the vote on any particular item or arranging for you to be removed from the meeting altogether (in the case of a disclosable pecuniary interest) and invited to re-join once the relevant agenda item had been dealt with.
- Try to make sure that you are as physically prepared for the meeting as possible, so that you will be comfortable throughout the meeting. This is particularly important as it may be some time before the meeting finishes or there is a break in the agenda.

Because of the nature of remote meetings, they tend to run much longer than meetings that are carried out in person, and so additional preparation before the meeting is key to ensure that business is conducted in as focussed and efficient manner as possible, but still with full consideration of the pertinent issues.

#### Chair information:

- You should liaise with the Democratic Services Officer with the conduct of the meeting in plenty of time before the meeting is due to start – ensuring that you have a list of all attendees that you are expecting to be present, together with a list of Councillors who have indicated that they wish to speak or ask a question, or any who may need to declare an interest in an agenda item.
- Ensure that, where appropriate, you have the means to be contacted outside the meeting in the event of any failure in the broadcast or technical issues meaning that the meeting is no longer quorate.
- Be familiar with the functions offered by the software being used to broadcast the meeting – particularly the muting capacity of the software.



#### **4. During the meeting:**

The Chair, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate, and Councillors will be asked to introduce themselves. The Chair's ruling during the debate will be final.

Councillors are asked to adhere to the following etiquette during remote attendance at a meeting:

- ✓ Councillors should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- ✓ Councillors should have their microphones muted when not talking.
- ✓ Only speak when invited to by the Chair.
- ✓ Only one person should speak at any one time.
- ✓ Turn on the microphone and also the video-feed (if available or unless speaking to a diagram, presentation slide or drawing), then state your name before you make a comment.
- ✓ When referring to a specific report, page, or slide, mention the report, page, or slide so that all Councillors have a clear understanding of what is being discussed at all times.
- ✓ Ensure that your mobile phone is set to silent mode.
- ✓ Don't make comments about other Councillors or Officers during the meeting, even if you believe that your microphone is muted.
- ✓ Refrain from smoking during the meeting – this is prohibited by the Council's Constitution.
- ✓ You should also try to avoid eating or drinking during the meeting unless this is necessary and can be done discretely. Although being held remotely, meetings are still formal and should be treated as though they were being held in person, with the same expectations of appearance and behaviour. Although it is easy to forget, given the nature of the meeting, Councillors will still be on public display throughout, potentially to a wider audience than would normally be in attendance at a physical meeting.
- ✓ Councillors and Officers should introduce themselves before they speak, particularly if only attending the meeting via an audio link.

- ✓ As remote meetings are new to both Officers and Councillors, please be patient during the meeting as some processes may take a little longer than usual – you will still get your chance to speak.

Chair information:

- At the start of the meeting, read out the introductory statement, and advise all Councillors that their microphones will now be muted.
- Ensure that Councillors are introduced to the meeting, and Officers introduced with their job titles when speaking.
- Remain vigilant throughout the meeting to those indicating their wish to speak on an item by physical gesture or by using the 'raise hand' function.
- When inviting a Councillor to speak, remind them to unmute their microphone (if necessary).
- Ensure that everyone who wishes to speak has done so at the end of each agenda item and before moving to the vote. It is good practice for the Chair to pause at this point to give any Councillor who wishes to comment further a chance to do so – they may have to unmute their microphone etc.
- Ensure that any vote taken during the meeting is done so clearly, by making a roll call of Councillors present and asking them to confirm their vote, and ask the Democratic Services Officer to confirm the voting.
- The Chair will be in control of the meeting, and will invite input where necessary in accordance with indications received either in advance of, or during the meeting.
- The rules around breaks apply to remote meetings too, and breaks should be utilised to promote greater concentration, particularly during longer meetings.
- Where it becomes apparent that a Councillor has lost connectivity, the Chair will pause the meeting for a brief time to enable reconnection to take place. Where this is not possible, consideration will need to be given to adjourning the meeting for a longer period of time – this will be essential if the meeting is no longer quorate.

## 5. Review

This Protocol will be kept under review by the Monitoring Officer and will be revised in the light of experience in consultation with the Group Leaders.

**LENGTH OF MEETINGS 1 June 2019 – 4 September 2019**  
**1 June 2020 – 4 September 2020**

MEETING	DATE 2019	DURATION hours: minutes	DATE 2020	DURATION hours: minutes
<b>Full Council</b>	17 July	2:36	15 July	4:01
			12 August	1:31
<b>Average</b>		<b>2:36</b>		<b>2:46</b>
<b>Cabinet</b>	5 June	0:55	1 June	3:05
	10 July	1:37	8 July	3:10
	4 September	3:13	19 August	1:45
			2 September	2:37
<b>Average</b>		<b>1:55</b>		<b>2:39</b>
<b>Policy and Public Initiatives Panel / Policy Panel</b>	19 June	1:15	17 June	1.54
	31 July	2:15	5 August	1.13
<b>Average</b>		<b>1:45</b>		<b>1.34</b>
<b>Governance and Audit</b>	25 June	1:59	23 June	2:28
	30 July	1:01	28 July	0:59
	3 September	1:41		
<b>Average</b>		<b>1:33</b>		<b>1:44</b>
<b>Scrutiny</b>	11 June	2:55	1 June	3:05
	16 July	1:50	7 July	3:10
	6 August	2:17	21 July	2.24
	28 August	2:23	27 July	1:12
			17 August	2:56
			18 August	3:56
<b>Average</b>		<b>2:21</b>		<b>2:47</b>
<b>Local Plan</b>	22 July	4:12	14 July	2:45
			24 August	3:16
<b>Average</b>		<b>4:12</b>		<b>3:00</b>
<b>Planning</b>	13 June	2:54	17 June	2:31
	4 July	4:19	9 July	1:15
	25 July	0:56	30 July	2:54
	15 August	2:20	20 August	1:17
<b>Average</b>		<b>2:37</b>		<b>1:59</b>
<b>Licencing</b>	28 August	0:37	10 June	0:32
			11 August	0:18
<b>Average</b>		<b>0:37</b>		<b>0:25</b>
<b>NEPP</b>	20 June	2:00	25 June	2:32
<b>Average</b>				
<b>Average over all meetings</b>	<b>2019</b>	<b>2:10</b>	<b>2020</b>	<b>2:18</b>



11 November 2020

Report of	Licensing, Food and Safety Manager	Author	Jon Ruder
Title	Review of the Statement of Licensing Policy // Results of Consultation		
Wards affected	All		

## 1. Executive Summary

- 1.1 The report seeks the Committee's approval of the draft Statement of Licensing Policy, following a period of public consultation, and recommends its adoption to full Council.

## 2. Recommended Decisions

- 2.1 That any comments received following the consultation exercise, undertaken for the five-year review of the Statement of Licensing Policy, be considered.
- 2.2 That the Policy, attached at Appendix 1 to the report, be approved with any necessary amendments, and its adoption be recommended to full Council.

## 3. Reasons for Recommended Decision

- 3.1 Under the Licensing Act 2003, the Council needs to review and readopt a Statement of Licensing Policy every five years.

## 4. Alternative Options

- 4.1 There is no alternative option and the Policy must be reviewed and readopted in order to be compliant with the current Licensing Act 2003 legislation.

## **5. Supporting Information**

- 5.1 The Committee, at its last meeting, approved the Draft Statement of Licensing Policy for the purposes of consultation. The consultation process ran between 8 October and 6 November 2020 and at the point of writing this report no responses have been received. The Committee will be aware that a light touch was taken to the review of the Policy in the light of the challenges posed by the Pandemic; a large number of responses to the consultation were not expected because of this.

## **6. Strategic Plan References**

- 6.1 The proposed draft review of the Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other businesses.

## **7. Publicity Considerations**

- 7.1 The Policy will be available to view and download from the Council's website.

## **8. Financial Considerations**

- 8.1 There may be costs incurred in defending any action brought against the Council by persons wishing to challenge the Statement of Licensing Policy by way of a Judicial Review. However, by carrying out the required consultation in accordance with the law and the Section 182 Guidance, the risk of such action is minimised.

## **9. Equality, Diversity and Human Rights Implications**

- 9.1 The draft revised Statement of Licensing Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

## **10. Community Safety Implications**

- 10.1 The Licensing Policy is a key part of the controls on the sale of alcohol and as such it will contribute towards improving overall community safety.

## **11. Health and Safety Implications**

- 11.1 There is no known direct public health and safety issues which might arise from the adoption of the draft revised Licensing Policy. Act 2003.

## **12. Risk Management Implications**

- 12.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation to licensed premises and a secure platform from which to promote the four licensing objectives as outlined in the Licensing Act 2003.

### **13. Environmental and Sustainability References**

- 13.1 There are no known environmental and sustainability considerations arising from the adoption of the revised Policy.



# **Statement of Licensing Policy**

## **2021–2026**

Colchester Borough Council

January 2021



Welcome to the latest edition of Colchester's Statement of Licensing Policy.

We are proud of Colchester's continuing reputation as a safe and vibrant, welcoming and prosperous Borough. We want to make sure that Colchester continues to offer a diverse range of high quality and well managed venues and experiences; valued by those who live and work here and those who visit.

The strength of Colchester's night and daytime economy is largely attributable to the variety it offers residents and visitors alike. We recognise that, as a result, the Policy must be flexible to respond to the different demands placed upon it to ensure it meets the needs of both large corporate chains and individual tea rooms, live music venues and local shops.

We remain mindful of the balance that has to be struck between the sometimes competing needs of our residents and those of our business community. Residents have a fundamental human right to the peaceful enjoyment of their property and possessions which must be balanced against the legitimate needs of business, encouraging responsible and positive investment and economic growth.

Colchester Borough Council, Essex Police and our partner agencies on the Licensing Enforcement Group are committed to working in partnership to provide an integrated and responsive approach to licensing. We commend the policy to you and sincerely believe that it will continue to make a positive difference.

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Colchester is Britain's oldest recorded town with a unique history and heritage. It is also a vibrant, thriving, prosperous and welcoming town and the existence of a large University and Garrison contribute to its overall diversity. The Borough is home to more than 190,000 residents living in communities based not only in and around the town centre but in the coastal, rural and riverside areas of the Borough. The population will continue to rise with continued development and the regeneration of key areas of the Borough.

The evening and night-time economy in the Borough, is predominantly centred in the town of Colchester. The unique geography of the town centre means that the vast majority of licensed venues are located within the area circled by the old Roman wall; within this area and close by are a number of residential communities. The number of residents living in the town centre continues to rise with the conversion of former commercial premises to domestic accommodation. The challenge for the Council as the Licensing Authority is to balance the sometimes opposing demands of this sector with the needs of residents.

## **Introduction**

1.1 This Statement of Licensing Policy (hereafter referred to as the 'Licensing Policy') is published under Section 5 of the Licensing Act 2003 and states how the Council as the Licensing Authority will exercise its licensing functions in order to promote the four licensing objectives which are:

- **The prevention of crime and disorder**
- **The prevention of public nuisance**
- **Public safety**
- **The protection of children from harm**

1.2 Unless otherwise stated this Licensing Policy will not depart from the Secretary of State's Section 182 Guidance (as amended) (hereafter referred to as 'the Guidance'). Therefore, to reduce repetition if matters are detailed in the Guidance they may not be included in this Policy.

1.3 The aim of this Licensing Policy is to ensure desirable destinations for a wide range of age groups and uses. Premises that will extend the diversity of entertainment and attract a wider range of participants are encouraged rather than premises mainly or exclusively focused on the sale of alcohol. The Licensing Authority believes that achieving this will promote the licensing objectives as well as support other important Council strategies.

1.4 The Licensing Policy is integral in managing the role licensed premises play throughout the Borough. A key aim of the policy is to ensure that licensed premises have a positive impact on their locality and where any premises do cause problems, these are addressed swiftly and in the most appropriate manner. This Policy aims to develop a more inclusive night-time economy, ensure high standards of management

for licensed premises, and promote high-quality premises that can contribute positively to their locality.

## **Links to Other Strategies, Policies and Initiatives**

1.5 The key aim of the Licensing Policy is to promote the licensing objectives. However, it is recognised that there are a number of other policies which are helping to shape the Borough and this Policy integrates, as far as is reasonably practicable, with other key Council policies to ensure the promotion of the Council's strategic plan.

## **The Strategic Plan**

1.6 The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies. It sets out the Council's role in making Colchester a place where people want to live, learn, work and visit. The priorities are -

**Tackling the climate challenge and leading sustainability**  
**Creating safe, healthy and active communities**  
**Delivering homes for people who need them**  
**Growing a fair economy so everyone benefits**  
**Celebrating our heritage and culture**

1.7 The Council is committed to achieving the goals set out in its Strategic Plan. This Policy aims to contribute to this vision through the promotion of a wider range of high-quality attractions that encourage an increased range of customers in order to lead to longer term economic viability and growth. Licensed premises have a key role to play in the economy of Colchester as an employer, in regeneration, and in attracting people to the Borough. Additionally, effective regulation plays an essential role in enabling businesses to thrive and contribute to the Borough's economy.

## **Community Safety and the Safer Colchester Partnership**

1.8 This policy is closely aligned with the work of the Safer Colchester Partnership enhancing and supporting its work. There is a significant degree of overlap in the work of Community Safety and Licensing around the areas of alcohol and public safety; addressing antisocial behavior; alcohol and drug related crime; and identifying hidden harms. The standards set out within the Policy are designed to address these priorities and by their application to licensed venues the Policy will contribute to the overall aims of the Safer Colchester Partnership.

## **SOS Bus**

1.9 The Town Centre benefits from the operation of the SOS bus and support minibus which operates in Colchester High Street every Friday and Saturday night. The bus provides a safe haven at the centre of the night-time economy for any vulnerable person or anyone who is at risk. The bus could not operate without a team

of trained volunteers. Its operation demonstrably reduces demand for accident and emergency attendances and helps reduce the negative impact of the night-time economy on businesses, residents and the town in general. This Policy supports the work of the SOS staff and recognises the essential role it plays in making the Borough vibrant, prosperous, thriving and welcoming. The SOS bus relies on voluntary contributions to fund its operation. The Council welcomes the financial contributions made and support given by members of the licensed trade which help to ensure the continued operation of the SOS bus and therefore its mitigation of the problems that can occur in the night-time economy.

## **Our Colchester Business Improvement District**

**1.10 Our Colchester Business Improvement District (BID) represents more than 400 businesses in the town centre and aims to make Colchester a better place to live, work and visit. The BID promotes collaborative working for the benefit of Colchester and its businesses. It has worked to identify and address the concerns of local business and has carried out proactive work such as the provision of the Disc system and targeted campaigns aimed at the night-time economy.**

## **Local Development Framework**

1.11 The Council's adopted Local Plan emphasises the importance of the Town Centre and regeneration. Planning policies direct development towards the most accessible and sustainable locations and plans for the provision of transport, employment and community facilities to support the growth areas of the Borough. This Policy supports these development aims; it recognises the need to ensure that licensed premises are suitable for the area in which they are situated and encourages a diverse range of entertainment facilities to meet the needs of growing communities.

## **Contributing to the promotion of Public Health**

1.12 The Council recognises there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. However, it also recognises the impact of alcohol misuse in the Borough, and it is hoped that through the implementation of this Policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce drug related harm. Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. The Council, through its Licensing Enforcement Group, receives information on admissions to A&E and ambulance call outs and this information is used in profiling premises and areas of the borough. However, it is accepted that any such positive impact will be as a coincidence of the Licensing Authority conducting its licensing function under the Act to promote the licensing objectives.

## **Pubwatch**

1.13 The Council encourages licensees to participate in the Pubwatch Scheme, or for them to seek to establish new ones where none currently exist. The Council endeavours to provide as much support as possible to any members of the trade looking to work together with neighbouring residents and businesses to ensure the promotion of the licensing objectives. By acting together, Pubwatch can be a powerful group to affect change in the night-time economy addressing not only issues of concern but also by raising the profile of the town and promoting it as a vibrant, prosperous, thriving, and welcoming night-time destination.

**1.14 Pubwatch operates the Disc system, funded by the Colchester BID to boost the town's night-time economy and make the town a safer place for visitors. Members of Pubwatch are able to publish news, documents, alerts and events. Essex Police allows information on individuals who have been banned from businesses to be shared with other Disc members. The Licensing Authority recommends the adoption of the Disc system to those wishing to operate a late-night venue in the town centre.**

## **Working to Prevent the Threat of Terrorism**

**1.15 Bars, pubs and nightclubs have been previously targeted in terrorist attacks. All premises are expected to have regard to the National Counter Terrorism Security Office (NaCTSO) publication 'Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs'.**

## **Tackling Child Sexual Exploitation**

**1.16 The Licensing Authority acknowledges that it is the view of the Government that the use of licensed premises by children should be encouraged where appropriate. Therefore, this Policy seeks to rebalance and diversify licensed premises away from those premises concentrating solely or largely on the sale of alcohol, to premises that provide a range of offerings to encourage a wide variety of users.**

**1.17 The Licensing Authority is committed to protecting children from harm. The Council recognises that the misuse of alcohol often contributes to the parental neglect of children and domestic abuse and violence within families and is a key factor in the criminal and sexual exploitation of children.**

**1.18 The Council seeks to proactively work through the Licensing Enforcement Group and Pubwatch to share intelligence and encourages premises to do all they can to ensure that they and their staff recognise the signs of child exploitations and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.**

## **Promotion of Equality**

**1.19** When drafting this Policy, the Equality Act 2010 (the Act) has been considered and applied. The Act protects people from discrimination, harassment and victimisation on the basis of their 'protected characteristics'; sex (gender), gender reassignment, race, disability, sexual orientation, age, religion or belief (or lack of religion or belief), pregnancy and maternity, and marriage or civil partnership.

**1.20** Section 149 of the Act, 'the Public Sector Equality Duty', requires the Council to have 'due regard' in everything it does to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. The Licensing Authority will therefore ensure that premises are licensed in a manner consistent with the responsibilities under the Act to deliver the best equality outcomes for the Borough.

## **Consideration of Need**

**1.21** The Licensing Authority is not able to take into account need or commercial demand when exercising any licensing function; this is a matter for the market.

## **Integration with Planning**

**1.22** The use of premises for the sale or provision of alcohol, regulated entertainment or late-night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation.

**1.23** The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Sub-Committee is not bound by the decision made by a Planning Committee and vice versa. Where the hours granted by planning are different to the licensing hours, the licensee must observe the earlier closing time. Premises operating in breach of their planning permission may be liable to prosecution or other enforcement under planning law.

**1.24** The grant or variation of a licence does not negate the requirement for the licensee to ensure that relevant planning permission (or building control approval) is in place prior to the premises operating. Applications for premises licences should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Planning Authority. It is strongly recommended that applicants contact the Planning Authority in advance of making a licensing application to seek advice on the planning constraints in respect of their premises and so ensure that in operating the premises planning and licensing requirements are compatible.



## **Duplication with other Regulatory Regimes**

1.25 In exercising its licensing functions, the Licensing Authority will seek to avoid duplication with any other existing legislation and regulatory regimes that already place obligations on employers and operators e.g., the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005, or the Environmental Protection Act 1990.

## **Responsible Authorities**

1.26 Responsible authorities are public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence /club premises certificate. The responsible authorities and their contact details are set out on the Council's website.

1.27 The Licensing Authority recognises the Quality Assurance and Safeguarding Service, Children and Families at Essex County Council as the body competent to advise it on the protection of children from harm.

## **Pavement Permits**

1.28 If you wish to provide tables and chairs on the public highway you must hold a pavement permit issued by Colchester Borough Council; details of how to apply and the limitations on hours and other restrictions that might be imposed can be found on the Council's website.

1.29 If you wish to carry out any licensable activities in this area, including the sale of alcohol where a temporary bar is provided in the area, it must be included in the plan attached to the premises licence or club premises certificate. You are expected to have specific regard to the impact on the licensing objectives that the operation of an area licensed under a pavement permit will have.

## **Protection of Privacy and Data**

1.30 The information provided as part of licence applications will be processed and held in accordance with the Licensing, Food and Safety Team Privacy Policy which can be found at <https://www.colchester.gov.uk/privacy-policy/licensing-food-safety-team-privacy-policy/>

## **Right to Work**

1.31 Applicants for a premises licence, the transfer of a premises licence and a personal licence must demonstrate that they have the right to work in the United Kingdom and are not subject to a condition preventing them from doing

**work relating to the carrying on of a licensable activity. This applies to individual applicants and applications from partnerships which are not limited liability partnerships.**

### **Consultation and Implementation of the Policy**

1.31 In accordance with Section 5(3) of the Act, the Licensing Authority carried out consultation on the proposed Policy between 5 October and 31 October 2020.

1.32 This Statement of Licensing Policy will take effect on 1 January 2021 and will remain in force for a period of not more than five years from this date. The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation in accordance with the Act. Minor amendments which do not affect the substance of the policy may be made without consultation.

## 2. Guide to the Licensing Policy

2.1 This Licensing Policy sets out the relevant information on how licence applications will be determined and how licensed premises are expected to operate, as well as explaining how licensing integrates with other related strategies for the Borough.

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.3 Licensed premises are an integral part of town and wider Borough and can have a major effect on the Council's aspirations for the Borough. Therefore, when relevant to the promotion of the licensing objectives, the Licensing Authority will aim to ensure premises are only licensed that are an asset to their locality and respect the character and identity of the area, contributing positively to the locality in which they are situated and to the Borough. Where licensed premises fail to promote the licensing objectives, the Licensing Authority will take appropriate steps to address any such licence related issues.

2.4 This Policy is a key tool in ensuring the different circumstances of areas are taken into account when considering licence applications. After careful consideration and having regard to evidential data, the Council has set out additional measures that it wishes to see considered by applicants when making applications in the Town Centre Zone and also its expectations in relation to the management of premises in this Zone.

2.5 Residents can play a significant role in contributing to the effective implementation of this Licensing Policy. The impact of licensed premises will naturally be most felt at a local level and it is important that residents and businesses have an active involvement in the licensing process and understand how they can do this.

2.6 The Licensing Authority considers it extremely important that licensed premises operate as good neighbours within their community. Licence holders are encouraged to engage with local residents and businesses prior to submitting applications and for the duration of their licence to ensure that any problems can be dealt with promptly and to ensure the promotion of the licensing objectives on an ongoing basis.

2.7 This Policy contains a number of Key Factors, which are the primary issues it expects licensees to consider when identifying the steps they intend to take to the licensing objectives in their licensed premises:

## Key Factors

- KF1 What we aim to encourage** – desirable destinations for a wide range of groups and uses
- KF2 The location of licensed premises** – venues in the right place
- KF3 Hours for licensed premises** – operating at the right hours
- KF4 Standards to promote the licensing objectives** – excellent management
- KF5 Off sales of alcohol** - operating to the highest standards

## Operation of the Policy

2.8 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the minimum standards expected in order to ensure the promotion of the licensing objectives. Applicants are advised that where their application falls outside the guidance set out in the policy in relation to times and activities etc., they will be required to demonstrate that their proposals will not undermine the licensing objectives.

**2.9 Every application will be treated in accordance with the Act, the Section 182 Guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy and the potential impact upon the licensing objectives relevant to them.**

**2.10 The Licensing Policy is applicable to all premises providing any licensable activity.** Applicants are expected to consider all the matters relevant to their application; these include key factors and where appropriate special guidance in relation to the Town Centre Zone.

2.11 Where there is no relevant representation, the licence must be granted as applied for subject to the mandatory conditions and those specified in the operating schedule.

2.12 If there is a relevant representation, the application will be considered on its own merits against the guidance contained within the policy and steps taken which are appropriate and proportionate to promote the licensing objectives.

2.13 There is a greater chance of a representation being made (and therefore a hearing) where the Key Factors contained in this Policy are not addressed.

2.14 The Licensing Authority will always consider the circumstances of the case and whether granting the application will undermine the licensing objectives.

2.15 In considering conditions to be attached to licences and certificates, the Licensing Authority will ensure that conditions must:

- be specific for the premises;
- not duplicate existing provisions;
- be capable of being met;
- be appropriate and proportionate for the promotion of the licensing objectives: and
- be tailored to the individual style and characteristics of the premises and events concerned.

2.16 It is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers when they are on the premises and within the control of the licensee or in the immediate vicinity of the premises.

2.17 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the Borough.

2.18 Where, following relevant representations and a hearing, the Licensing Authority is not satisfied that amendments to the application and/or the imposition of conditions will ensure the promotion of the licensing objectives the application will be refused. The amendments that will be taken into consideration include –

- excluding licensable activities
- amendments to the times for licensable activities
- a reduction in the licensable area

### 3 Key Factors

3.1 The key factors set out in the Policy are intended to address the principle issues related to licensed premises. Licensed premises and activities can play an important role in ensuring that the Borough is vibrant, prosperous, thriving and welcoming. However, if premises are not managed responsibly, they can also impact negatively on an area by causing a wide variety of problems.

3.2 Our aim is to promote an 'inclusive' evening and night-time economy throughout the Borough to ensure people of all ages can participate in and enjoy a range of activities. These Key Factors are designed to ensure that all licensed premises throughout the Borough operate to promote the four licensing objectives in order to ensure they contribute positively to the Borough. The Key Factors are:

**KF1 What we aim to encourage**

**KF2 The location of licensed premises**

**KF3 Hours for licensed premises**

**KF4 Standards to promote the licensing objectives**

**KF5 Off sales of alcohol**

3.3 A key aim is to ensure the diversity of licensed premises and particularly avoid premises simply focused on the consumption of alcohol. Where relevant representations are made applicants wishing to operate premises that facilitate quick drinking through a lack of seats (vertical drinking), loud music, and particularly those which aim to attract a particular audience to the exclusion or detriment of other groups will need to be able to demonstrate through appropriate measures that their application will not have an adverse impact on the licensing objectives; the reliance on continuing good practice is unlikely to be sufficient where such applications for new or material variations are sought.

3.4 We will also ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

3.5 While it is recognised that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the Licensing Authority will consider restricting hours to ensure the promotion of the licensing objectives, subject to relevant representations being made in relation to the hours applied for, should the Licensing Authority deem this appropriate and proportionate following a hearing.

3.6 Where no relevant representations are received against an application for a Premises Licence or Club Premises Certificate, it shall be granted automatically subject to mandatory conditions under the Licensing Act and conditions consistent with the licensee's operating schedule.

3.7 Failure to address the Key Factors contained within the Policy may increase the possibility of representations being made against applications, particularly by Responsible Authorities.

3.8 Every application will be treated in accordance with the Act, the Guidance and this Licensing Policy. The licensee is expected to consider the Key Factors and the potential impact upon the licensing objectives relevant to them. The Licensing Policy is applicable to all premises providing any licensable activity, and it is important that all premises have regard to it and can demonstrate this. Premises located within the Town Centre Zone should have regard to both the provisions set out in Paragraph 3.14 and those set out in 9.5.

3.9 The Licensing Authority expects licensees to have due consideration to the Standards to Promote the Licensing Objectives (Key Factor 4) when determining how they operate their premises. However, it is a matter for them to propose measures they consider appropriate with respect to their individual circumstances.

3.10 The Licensing Authority expects licensees to implement all measures they consider appropriate to promote the licensing objectives with respect to their individual circumstances. The Standards may not be appropriate to apply in every situation to every premises, but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to consideration of those measures outlined in the Licensing Policy. It is proper that they address all issues they consider appropriate to promote the licensing objectives.

3.11 The Licensing Authority expects licence holders to operate their premises in accordance with the application and commitments made to the Committee in order to obtain the grant of the licence. Where evidence indicates that this is not the case premises licence holders may expect an application will be made to Review the licence. Applicants wishing to operate a restaurant will be expected to provide evidence of the premises operation as such when requested by the Licensing Authority; such evidence to include, but not limited to, wet and dry and door entry figures.

3.12 The Council will actively support and encourage premises that seek to meet the harmonization of the day and night-time economy.

### **KF1 - What we aim to encourage**

3.13 The aim is to ensure desirable destinations that cater to a wide range of age groups and uses. Premises that are encouraged are:

Those that will extend the diversity of entertainment and attract a wider range of participants and in particular venues that offer diversity within the night-time economy such as late-night cinema, without the sale of alcohol, and live music venues. Venues that offer original material, are encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged.

Quieter and Smaller 'local-style' venues able to promote a sense of community and familiarity for customers.

Wind-down or chill-out venues that enable people to begin or end their nights out in a quieter venue where customers can sit down in a relaxed environment, particularly without alcohol.

Restaurants and Cafés as well as other less alcohol-dominated venues.

Theatres and Cinemas

3.14 Subject to compliance with the other policies the types of licensed premises set out in the Matrix below will generally be considered acceptable, unless relevant representations are made and/or the Licensing Authority considers that the application will undermine the licensing objectives. The Council wishes to see wider diversity in the night-time economy and in particular wishes to encourage premises whose primary purpose is not the sale of alcohol.

**Please note**

- **The times given in the Matrix below are for licensable activities.**
- **In the case of premises which encompass two or more uses it is incumbent on the applicant to state the primary use of the premises; this use must be supported by the management plan/operating schedule.**
- **Any applicant who wishes to operate outside the times given in the Matrix will need to demonstrate that its operation supports the Key Factors without undermining the Licensing Objectives. This must be shown in the operating schedule and must demonstrate that there will be no derogation in the licensing objectives, including from departing customers. Reliance on continuing good practice is unlikely to be sufficient where such applications for new or material variations are sought.**



<b>Primary Function</b>	<b>Residential</b>	<b>Mixed Commercial and Residential</b>	<b>Commercial</b>
<b>Nightclub</b>	<b>No</b>	<b>No</b>	<b>No</b>
Restaurant	Yes until midnight	Yes until 00.30	Yes until 01.00
Late Night Takeaways *	Yes until 22.00	Yes until midnight	Yes until 01.00
Pub ** Bar	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Non-Alcohol Led – e.g.Theatres etc.	Yes until 23.00	Yes until midnight	Yes until 01.00
Off-licence	Yes until 22.00	Yes until midnight	Yes until midnight
Members' Club	Yes until 23.00	Yes until midnight	Yes until 02.00
Village and Community Halls	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Wine Bars **	Yes until 23.00 midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Sports Clubs	Yes until 23.00	Yes until 00.30	Yes until 01.00
Coffee Shops	Yes until 23.00	Yes until midnight	Yes until 02.00
Caravan/Camping/Holiday Parks	Consideration will be given to the licensable activities to be provided when determining an appropriate time		
Garages/Service Stations	Consideration will be given to the licensable activities to be provided when determining an appropriate time		

\*premises with limited or no seating and primarily focused on the sale of hot food to take away including delivery

\*\* premises where customers are generally seated, the density of the premises is lower and the age spread of the customer base is wider

## **KF2 - The location of licensed premises**

3.15 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

- The proposed operation of the premises having regard:

to the licensable activities applied for,  
the size, structure and proposed capacity,  
the type/nature of the business.

- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be affected.
- The general character of the surrounding area including crime and antisocial behaviour levels.
- The availability of transport to and from the premises.

3.16 Consideration will be given to the capacity for vertical drinking at the premises. Vertical drinking has been linked with encouraging binge drinking and an increased potential for violence and antisocial behaviour.

3.17 Additionally, a number of premises closing simultaneously would lead to larger numbers leaving at the same time thereby increasing the risk of disorder and disturbance, as well as creating spikes in demand for taxis and other sources of transport.

3.18 There is the need to balance the needs of residents with that of the night-time economy. Licensees should consider how their premises could impact upon the needs of local residents and businesses. Particular consideration is expected to be given to:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise.
- Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy).
- Prevention of disturbance by people outside the premises (e.g. smoking areas).
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside of licensed premises).
- Disturbance caused by deliveries and collections at the premises including waste and bottle collection.

3.19 Consideration should be given to the effective availability of transport in relation to the premises including the proximity of public transport in order to ensure customers are able to get home safely and without causing disturbance.

### KF3 - Hours for licensed premises

3.20 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night-time economy.

3.21 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when an application is made for later hours.

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be regulated but each application will be considered on its own merits and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

3.23 Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol- driven premises.

3.24 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

3.25 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

**3.26 Where the Licensing Authority's discretion is engaged, premises applying for early morning daytime hours to sell alcohol will be given particular consideration in relation to their proximity to schools, play areas, nurseries, children's centres and other youth amenities to protect children from harm, as well as groups (such as persons who are alcohol-dependent) who could become more vulnerable or present a greater risk of crime, disorder and public safety issues as a result of excessive alcohol consumption or who may be drawn to particular premises if they are licensed to sell alcohol at earlier times. Where its discretion is engaged, the Licensing Authority may give consideration to the general demand for alcohol treatment in an area as a proxy indicator of problems.**

#### **KF4 – Standards to promote the licensing objectives**

3.26 An application for a new premises licence application, provisional statement, or a variation to an existing licence, must contain an operating schedule which identifies robust proposals to promote the licensing objectives.

3.27 Where no relevant representation is received against an application, conditions consistent with the steps proposed in the operating schedule will be attached to the licence (in addition to the mandatory conditions).

3.28 We have identified the standards we expect licensees to consider when preparing their operating schedules in order to promote the four objectives. However, it is a matter for them to consider and propose the measures they regard as appropriate to promote the licensing objectives with respect to the individual circumstances of their application and having regard to their comprehensive risk assessment of the operation of their premises. These measures are not exhaustive, and the Licensing Authority will have regard to any relevant issues raised in any representation that may fall outside the standards.

3.29 All relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in this Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives. They may also wish to liaise with the responsible authorities and local residents or businesses in considering whether any additional issues may be relevant.

3.30 All persons, including responsible authorities, should also consider these standards in relation to making any representation against an application.

3.31 Where there are relevant representations in respect of an application, these standards will be applied by the Licensing Authority to ensure licensed premises operate in the manner expected, where appropriate, by the Licensing Policy.

3.32 When it is considered by the Licensing Authority to be appropriate and proportionate in order to promote the licensing objectives, the policy is to attach conditions in accordance with the standards to promote the licensing objectives outlined in this Policy

3.33 While the standards have been separated under distinct titles of the four licensing objectives, many of them will be relevant for the promotion of multiple objectives. Where a measure may address more than one licensing objective it need only be included once.

## **KF5 Off-sales of alcohol**

3.34 The Council has a Public Space Protection Orders (PSPO) in place for the Town Centre to help address and prevent numerous problems caused by public consumption of alcohol which are having a detrimental impact on the quality of life of those in the locality. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour. Licensees should ensure all staff are aware of the PSPO when situated within the designated area and reinforce the No Street Drinking warning at point of sale

3.35 In the light of the above therefore applicants are expected to demonstrate that there will be no derogation in the licensing objectives and that the operation of the premises will support the Key Factors. The Licensing Authority will give particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependent may be drawn to particular premises if there are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late night disorder, the hours for alcohol sales from the premises may be restricted.

3.36 Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.

3.37 There has in recent years been a significant rise in applications to the Licensing Authority seeking to permit off sales from the premises before 08.00. In light of the factors set out in 3.35 above the Licensing Authority does not wish to see the sale of alcohol before 08.00.

## 4 The Prevention of Crime and Disorder

4.1 The Licensing Authority expects licensees to risk assess their premises and implement all measures they consider appropriate to promote the Prevention of Crime and Disorder licensing objective with respect to their individual circumstances. The standards below may not be appropriate to apply in every situation, to every premises, but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to considering only those measures outlined in the Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives.

### CD1 Implementation of effective security measures at the premises

It is expected that there should be a defined policy that documents the security measures in place for the premises. A defined policy should ensure a consistent approach and explain the standards expected of staff. It is expected that premises hold security review meetings on a regular basis to help identify and resolve issues and ensure that staff are fully aware of important issues. Relevant issues could include the prevention of thefts or identifying problematic individuals.

### CD2 The effective management of queues outside the premises

Queues should be managed effectively to prevent any nuisance or disorderly behaviour. There should be a consistent approach to the management of customers waiting to enter the premises and licensees are expected to demonstrate how they will manage queues to the premises.

### CD3 The control of entry to and exit from the premises, including assessing the need for door supervisors

Consideration should be given to how capacity will be controlled and how already drunk or disorderly individuals will be prevented from being admitted. A relevant consideration will be whether security staff will be employed at the premises. It is expected that the need for security staff will be determined by documented risk assessment.

Where door supervisors are provided, it is expected that licensees have consideration of the following:

- High-visibility identification – It is expected that door supervisors shall be easily identifiable by wearing high-visibility clothing.
- Appropriate number of staff – Door supervisors should be employed at specified times with regard to the individual circumstances of the premises. The need for door staff should also be regularly reviewed and risk-assessed and appropriate security employed.
- The role of door supervisors in ensuring effective dispersal of patrons from the premises at the end of the night – Door supervisors should be instructed

to encourage persons leaving the premises do so without causing disturbance and in an orderly fashion.

- Consideration of SIA-approved contractor scheme companies – The objective of the SIA's Approved Contractor scheme is to raise performance standards. Approved contractors are demonstrably committed to customer service and the compulsory licensing of their staff, ensuring that every private security operative deployed on a premises will be working within the law.
- Holding security briefings at the start and end of duty.
- Maintaining a register of door supervisors on duty.

CD4 Operation of a documented policy in respect of searching patrons entering the premises.

Consideration should be given to whether searches of customers entering the premises are required. It is expected that the need for searches will be determined by risk assessment.

Any search policy is expected to include provision for the following circumstances:

- Records maintained of searches and seized items – Records should be maintained of any searches where prohibited items are seized and removed. Records should be made available to the Police.
- Circumstances under which searches will be conducted – Risk assessments should be conducted to consider when searches are appropriate.
- Location of where searches will take place – Areas should be covered by CCTV and not in isolated areas.
- Use of detection devices to detect weapons and drugs and when and where they will be used – Consideration for appropriate detection devices should be risk- assessed and employed as appropriate.
- Putting procedures in place for the seizure and retention of recovered drugs and other prohibited items – Items recovered should be kept in a secure location and the Police notified.

CD5 Designing out crime in the layout of the premises

Consideration should be had to best-practice advice such as the 'Licensed Property: Security by Design' (BBPA) or at [www.securedbydesign.com](http://www.securedbydesign.com) (ACPO).

CD6 Comprehensive risk assessments for activities at the premises

Risk assessments should be regularly reviewed, and any appropriate action implemented immediately. Risks identified should be recorded and updated when appropriate. Consideration should be given to the risks associated with the activities of the business, the clientele, the Key Factors in this Licensing Policy, the nature of the area the premises is located, as well as any appropriate individual circumstances.

CD7 Use of town link radio service at the premises and the Disc system

Late-night premises in the town centre are expected to consider subscribing to the town link radio service which enables the rapid dissemination of information on criminal activity throughout the town centre and the Disc system which enables members of Pubwatch to publish news, documents, alerts and events.

#### CD8 Implementation of documented reporting procedures at the premises

Important and relevant incidents that occur at the premises should be recorded. Such records should be made available upon request by a Responsible Authority.

Recordable incidents could include:

- Accidents.
- Lost and found property.
- Refused sales of alcohol.
- Thefts.
- Banned and ejected persons.
- Other incidents.
- Injuries.
- Allegations against staff.

#### CD9 Ensuring responsible management of externally promoted events at the premises

Promoters should be required to complete the promoter pro-forma and notification be given to Essex Police and the Licensing Authority no later than 28 days before the event.

#### CD10 Provision of comprehensive documented staff training

Documented staff training should be conducted relevant to the prevention of crime and disorder issues on the premises, to include (but not limited to):

- Age restrictions in respect of products.
- Responsible Alcohol Service, including recognizing signs of drunkenness, refusal skills, drugs awareness.
- Company policies and reporting procedures (see above).
- Managing and resolving conflict.
- Action to be taken in the event of an emergency, including the report of a crime, fire, or request for emergency medical attention.
- Licence conditions.
- Relevant obligations and offences under the Licensing Act 2003, including those associated with the sale of alcohol.

Records of all training should be documented and kept on the premises available for inspection by the Responsible authorities.

#### CD11 Implementation of effective measures to prevent and deal with drunkenness at the premises



Premises licensed for the sale of alcohol for consumption on the premises should have a written policy in relation to drunkenness. Premises should not admit persons who are visibly intoxicated, and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.

Consideration should also be given to:

- Taking practical steps to prevent drink driving.
- Displaying responsible drinking information and posters throughout the premises including the toilet areas.
- Ensuring alcohol free options are readily available.
- Making appropriate arrangements to ensure the safe transport home of vulnerable customers.

#### CD12 Ensuring only responsible drinks promotions are operated at the premises

Consideration should be given to how any promotions could impact upon the mandatory licence condition for on-licensed premises prohibiting irresponsible promotions. It is expected licensees have reference to recognised codes of practice in respect of the responsible sale and promotion of alcohol products such as those issued by the British Beer and Pub Association, Portman Group and Drinkaware Trust.

#### CD13 Effective monitoring of the premises (both interior and exterior) including the use of CCTV

It should be demonstrated how the premises will be effectively monitored, e.g. patrols by staff, which areas will be covered by CCTV, whether security staff will be employed and, if so, where – as well as any other appropriate measures. Additionally, appropriate monitoring of external areas, e.g. immediately outside the entrance to the premises, smoking shelters or beer gardens, should be addressed where relevant.

Details of CCTV cameras should be provided (both internal and external). CCTV should be installed in liaison with, and to a standard approved by, Essex Police.

#### CD14 Ensuring all alcohol sales are properly authorised

The Licensing Authority considers it good practice for alcohol-licensed premises to ensure that there is a Personal Licence-holder on site at all times the premises is open for the sale of alcohol. Depending on the size of the premises, it may be appropriate for multiple Personal Licence-holders to be on duty, e.g. if the premises has more than one bar or is particularly large. The Licensing Authority expects to see written evidence of the delegation by the DPS to other persons of the authority to sell alcohol at the premises.

#### CD15 Prevention of illegal drug use and anti-spiking at the premises

A zero-tolerance policy should be implemented regarding the use of illegal drugs on the premises. A drugs policy should be in writing and include how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be

disposed of. The use of toilet attendants, regular documented toilet checks and searches of the premises could be conducted. Licensees for on-licensed premises should also consider what action will be taken to prevent the spiking of drinks at the premises. This could include encouraging customers to ensure that drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.

#### CD16 Operation of a documented glass policy for the premises

Glass injuries are a serious problem in the UK, with approximately 5,500 glassing incidents reported each year, and glasses or bottles being used in 5% of all violent crime. A documented risk assessment should be conducted for the use of glassware on the premises and safer drinking vessels, such as toughened glass or polycarbonate, should be used when appropriate. Risk assessments should also include the use of glass in external areas (if appropriate) as well as how glass collections will be managed throughout the premises, including the frequency of such collections.

#### CD17 Support for the SOS bus and other mitigation measures

The SOS bus works with other teams out and about in the night time economy – the street pastors, enforcement officers, doormen of licensed premises, police and ambulance service – to mitigate the effects caused by patrons of premises operating in the night time economy and to assist those premises in dealing with problems at their venue. Licensees are expected to demonstrate how they can offer support to ensure the continued operation of the SOS bus. This can take the form of financial contributions, display of promotional material, fundraising and actively working in a positive way with volunteers, as well as other initiatives such as taxi marshaling.

#### CD18 The operation of the premises

The Licensing Authority expects licence holders to operate their premises in accordance with the application and commitments made in order to obtain the licence. Applicants should demonstrate their commitment to the proposed use of the premises by the inclusion of such conditions that support this use of the premise and to limit the operation of the premises to the use applied for.

## 5 Public Safety

5.1 The Licensing Authority expects licensees to risk assess their premises and to implement the measures they consider appropriate to promote the public safety objective regarding their individual circumstances. The standards below may not be appropriate to apply in every situation to every premises, but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives.

### PS1 Maintaining a safe capacity and recording customer numbers

Capacity should be managed effectively and in accordance with an appropriate risk assessment to prevent overcrowding. Advice should be sought from Essex Fire and Rescue in relation to the safe capacity for premises and how it should be managed.

### PS2 Ensuring Fire Safety procedures are in place and up to date

Licensed premises should:

- Conduct a Fire Risk Assessment for the premises, which is reviewed as required, and as a minimum every 12 months. An assessment template and guidance notes are available on the Essex County Fire & Rescue Service website.
- Ensure all fire equipment is inspected/serviced as per its relevant British Standard (generally, but not always, annually) and documented.

### PS3 Use of a daily pre-opening and closing checklist

Consideration should be given to implementing such checklists as they can help ensure that all appropriate and routine actions are conducted consistently, ensuring good practice.

### PS4 Provision of comprehensive documented staff training

Documented staff training should be provided to ensure adequate public safety on the premises, including (but not limited to):

- First Aid.
- Fire safety procedures.
- Evacuation procedures.
- Terrorist threats (predominantly town centre venues).
- Overcrowding.

### PS5 Implementation of appropriate anti-terrorism measures

Licensed premises, particularly those located in the town centre, should have regard to the National Counter Terrorism Security Office (NaCTSO) publication 'Counter

## Terrorism Protective Security Advice for Bars, Pubs and Nightclubs’.

### PS6 Operation of a documented glass collection and spillage policy

Premises licensed for the sale of alcohol for consumption on the premises should have a policy and procedure in place to ensure effective and efficient collection of glasses and the cleaning-up of spillages throughout the premises.

### PS7 The Use of Special Effects

Premises intending to use any form of special effects should carry out an appropriate and documented risk assessment and notify the Licensing Authority of their intended use.

### PS8 Hypnotism, mesmerism or similar acts

Premises intending to provide, as part of their entertainment an exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process should carry out an appropriate and documented risk assessment and notify the Licensing Authority of their intended use. This does not absolve the premises licence holder from applying for and gaining any other necessary permissions

### PS9 Large Scale Events

Premises holding large scale events are expected to have regard to the management standards set out in the policy and have in place an Event Management Plan that addresses, but is not limited to, the following –

- Overall event safety control.
- Production details.
- Medical and first aid provision.
- Site management and the structural integrity of all temporary structures.
- Crowd management, stewarding and security.
- Fire safety and control.
- Configuration and control of sound systems.
- Management of any on-site and off-site car parking.
- Management of concessions and franchises.
- Provision and maintenance of water supplies.
- Welfare and provision of information.
- Provision and maintenance of sanitary facilities.
- Reception collection and removal of litter and other waste.
- Liaison with local residents and businesses.
- An alcohol management plan.

## PS10 Care and Safety of Persons, including vulnerable persons, leaving the premises

A vulnerable person is one who for a variety of reasons may be unable to look after themselves and protect themselves from harm or exploitation. People may be vulnerable for a variety of reasons including but not restricted to – intoxication levels, substance misuse, illness or medical conditions, mental health issues, age, gender/risk of sexual predator or exploitation, and social impact factors.

Premises are expected to have in place a policy in relation to the care of vulnerable persons which should consider but is not limited to the following –

- Identifying whether the person is alone or with friends.
- Assigning a member of staff to keep an eye on them.
- Contacting a relative or friend to ensure the person is taken home safely.
- Caring for the person in a safe place within the premises and away from the general public area.
- Contacting the SOS bus, Street Pastors and/or Police/Ambulance Service to provide care/assistance.
- In the event the person wanders away from the premises, notify CCTV and asking them to keep a watch on the individual and communicate with other premises via the town link service
- Assisting the person and/or friends in finding a route home.
- Recording the incident in the premises' logbook.

Premises are also expected to give consideration to implementing measures designed to encourage safe journeys home including (but not limited to) -

- Discouraging drink driving by promoting schemes such as designated driver, with notices clearly displayed throughout the premises.
- Displaying information to customers with regard to safe options for travelling home such as Cabwise. Information should include access to licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options. Providing a free taxi phone service and a safe waiting area for customers inside the premises

## 6 The Prevention of Public Nuisance

6.1 The Licensing Authority expects licensees to risk assess their premises and to implement the measures they consider appropriate to promote the prevention of public nuisance objective with respect to their individual circumstances. The standards below may not be appropriate to apply in every situation to every premises, but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives.

### PN1 Prevention of noise breakout from the premises

This relates to both internal and external areas. Measures such as double-glazing, the use of an acoustic lobby, noise limitation devices and soundproofing for internal areas may be relevant. Licensees should demonstrate the measures taken to address such issues.

### PN2 Use of a last entry time for the premises

Consideration should be given to a curfew on entry times, which can reduce the possibility of persons causing noise and disturbance late at night who may have been attracted to the premises.

### PN3 Communication and integration with local residents and businesses

Licensees are encouraged to consult with local residents and businesses prior to submitting an application for a new licence or variation of an existing licence to ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage and ensure the promotion of the licensing objectives.

Licensees are expected to communicate with local residents and businesses, to address and resolve relevant problems. This could include giving contact telephone numbers to local residents so they can report any issues to the premises for them to be dealt with. It is expected that contacts at the premises would be persons in a position of responsibility who are contactable whenever the premises are open to the public so that any issues can be addressed without delay. Licensees could also arrange regular meetings with neighbours to ensure good relations.

### PN4 Effective management of exterior spaces (e.g. beer gardens, smoking areas)

Where the premises include any exterior areas, licensees should demonstrate what measures are in place to prevent issues that may give rise to problems. Relevant considerations should include:

- A limit on the number of patrons in such areas.
- Whether there is a curfew on using them.
- How the area will be delineated, if relevant.
- How the premises will be kept clean and free of litter, particularly at the end of trading.

- What supervision will be in place.
- Will the premises be covered by CCTV.
- How will the area be lit to avoid nuisance to neighbours.
- Will glasses be allowed outside.
- What glass collection arrangements will be in place.
- How to avoid customers causing noise disturbance.
- How the premises will prevent begging at, and in the immediate exterior of, the premises.

PN5 Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter

Where the licensable activities could give rise to litter being dropped in the vicinity of the premises, the measures in place to prevent this occurring and/or tidy it up should be demonstrated.

**The Licensing Authority will expect operators to cleanse outside their premises, particularly at the close of business. Further, where its discretion is engaged, the Licensing Authority will take account of the potential impact of the premises upon litter problems in the area and take such steps that are deemed appropriate and proportionate to address such issues. Such measures could include regular litter inspections during the hours of operation and at the close of business, the placing of litter bins in prominent areas of the premises, reducing packaging, and the use of branded packaging.**

PN6 Responsible management of the use of flyers and other promotional material

The irresponsible use of flyers can cause major litter problems. Any use of flyers and other promotional material should be done in a responsible and appropriate manner. It should be noted that permits are required for handing out flyers in various areas of the Borough.

PN7 Ensuring adequate arrangements for secure and responsible storage of refuse

Adequate and secure storage for refuse should be provided that is appropriate for the nature of the business. Particular regard should be given to the management of glass bottles to prevent them being taken outside the premises as potential weapons, and to the emptying of bottles into refuse containers at times that could disturb local residents or businesses.

PN8 Appropriate arrangements for deliveries and collections

Consideration should be given to how and at what times deliveries are made to the premises to avoid disturbance to local residents and businesses and to avoid any obstruction. Equally, this would apply to any collections from the premises, e.g. refuse collections by private contractors.

PN9 Prevention of customers causing disturbance when leaving the premises

Licensed premises need to ensure the orderly exit and dispersal of customers from

the premises. Relevant considerations could include:

- Prominent display of notices requiring courtesy for neighbours.
- Preventing customers from congregating outside.
- Providing advice and directions to available public transport.
- Providing contact details for taxi/private hire firms and provision of a call-back service.
- Use of a dedicated taxi/private hire service.
- Implementing a dispersal policy based upon good practice.
- Use of a winding-down period.
- The role of door supervisors in managing persons leaving.

PN10 Membership of any local Pub and Club Network/Off Licence Forum or other recognised partnership group

Licensees should commit to work in partnership through local business groups, which can provide useful forums to keep abreast of local issues and developments when they operate in the area.



## 7 The Protection of Children from Harm

7.1 The Licensing Authority expects licensees to risk assess their premises and to implement the measures they consider appropriate to promote the protection of children from harm licensing objective with respect to their individual circumstances. The standards below may not be appropriate to apply in every situation to every premises, but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives.

### CH1 Risk assessment for when children are on the premises

Regard should be had to specific risks that may arise when children are on the premises. The risk assessment should be documented and available for inspection by the Responsible authorities upon request. Relevant considerations could include:

- Will access be restricted to certain areas of the premises.
- Is there adequate supervision.
- Are the areas covered by CCTV.
- Will alcohol sales be restricted in areas where children are permitted.
- How will children be prevented from accessing alcohol.

Special consideration is expected to be given to promoted events in licensed premises aimed at, or likely to attract, persons under 18. The Licensing Authority expects robust measures to be in place to address potential risks associated with such an activity.

### CH2 Ensuring any gambling machines on the premises are appropriately located and properly monitored

Consideration should be given to the ability to supervise their use regarding location to ensure underage persons do not use them with regard to any code of practice issued by the Gambling Commission (gambling machines) and advice from the Licensing Authority.

### CH3 Ensuring entertainment at the premises is age-appropriate

Where adult-only entertainment is provided, children should be prevented from being on the premises when such entertainment is taking place.

### CH4 Taking action to prevent proxy sales of alcohol from the premises

Premises licensed for the sale of alcohol should take proactive steps to prevent this occurring. Possible measures include:

- Regular checks around and/or outside the premises for underage persons

- encouraging adults to purchase alcohol for them.
- Use of CCTV, particularly in external areas.
- Displaying prominent notices in the premises explaining the law in relation to purchasing alcohol on behalf of persons under 18 and the penalties involved.

#### CH5 Proper management of any child performers

It is expected that any child performers are properly licensed, and a nominated adult is present to act in a supervisory capacity.

#### CH6 Ensuring age restrictions are enforced effectively when showing films

Where age-restricted films are displayed, appropriate and effective measures must be in place to ensure relevant age restrictions are complied with.

#### CH7 Prevention of underage sales of age-restricted products and underage persons access

Effective and appropriate measures must be taken to ensure age restrictions are enforced at the premises. Relevant considerations include:

- Implementation of Challenge 25.
- Details of what forms of ID are acceptable.
- The use of till prompts.
- The maintenance of refusal logs.
- Staff training.

#### CH8 Provision of comprehensive documented staff training

Documented staff training is expected, particularly in relation to activities consistent with the licensing objectives, including (but not limited to):

- Identification and refusal of underage sales.
- Age-restricted products.
- Any access restrictions to the premises by children.

#### CH9 Display of child welfare information in public areas of the premises

Where children are allowed on the premises, information should be available on what to do if there is a cause for concern regarding a child's welfare.

#### CH10 Operation of under 18 events at premises

Where under 18 events take place, premises are expected to put in place appropriate measures to ensure the safety and welfare of those attending the event.

## 8 Off-sales of Alcohol

8.1 The Licensing Authority expects licensees to consider the standards below in relation to the operation of their premises; they may not be appropriate to apply in every situation but where they are such measures will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives and in particular those set out in the preceding sections on the measures to promote the licensing objectives.

OF1 Taking action to prevent the purchase and sale of counterfeit or non-duty paid alcohol

Premises should take proactive steps to prevent this from occurring. Such measures include:

- No alcohol purchased from sellers calling at the shop.
- Reporting to Trading Standards any caller to the shop attempting to sell alcohol.
- Keeping invoices (or copies) on the premises for all alcoholic goods purchased for inspection by authorised officers.
- Operation of a stock control system.
- Use of an ultraviolet pen or light to check the UK Duty Stamp on spirits.

OF2 To control the sale of alcohol for delivery

Regard should be given to the specific risks, of selling and supply alcohol to persons underage, that are presented by the ordering of alcohol by telephone or internet and the delivery to a residential address where the person receiving the alcohol be underage. Premises should take proactive steps to prevent the sale and delivery of alcohol to underage persons. Possible measures include:

- Pre-ordering by telephone or internet prior to delivery.
- Carrying Invoices relating to delivery on the delivery vehicle.
- Production of invoices and record of orders on request to any authorised officer.
- Operation of a "Challenge 25" scheme.
- A refusals book.

## 9. Town Centre Zone

9.1 In the town centre restaurants and takeaways account for over half of the premises in the night-time economy and pubs, bars and inns account over a third of all premises. **There is evidence that within this area (shown on the plan at Appendix 1), the promotion of the licensing objectives is being undermined, in particular in the early hours of the morning, as a consequence of the operation of licensed premises in the area; having regard to the levels of crime and disorder and public nuisance experienced within it and the complaints received from local residents.**

9.2 The Licensing Authority considers that whilst the levels of problems do not currently justify the implementation of a cumulative impact policy for the area and therefore a reversal in the presumption of granting applications; **the area is of concern and will be kept under review.** The Licensing Authority has taken into consideration the role of the SOS bus in helping to mitigate the problems caused by the sale of alcohol in this area and recognises that were the bus to be withdrawn the effect would be to push problems in the area to levels where a cumulative impact area would be considered.

9.3 There is evidence of problems associated with operation of licensed premises in the Town Centre Zone and the Licensing Authority wishes to see a decrease in the levels of crime and disorder and public nuisance already being experienced in the area. However, the authority does wish to diversify the evening and night-time economy in this area.

9.4 With this in mind, and **subject to compliance with the other requirements of the policy (in particular paragraph 3.14),** the following guidance for new licences and material variations, where relevant representations have been made, is offered: -

- a. The following venue types are strongly encouraged provided they do not undermine the licensing objectives and therefore the licensing policy:
  - Restaurant
  - Non-alcohol led premises
  - Live entertainment venue
  - Coffee shops
- b. There is a strong presumption against the following venue types because of their potential to undermine the licensing objectives and therefore the licensing policy.
  - Late night takeaway
  - Nightclub
  - High Volume Vertical Drinking establishment
  - Pub/Bar
  - Off licences

## **Please note**

- In the case of premises which encompass two or more uses it is incumbent on the applicant to state the primary use of the premises; this use must be supported by the management plan/operating schedule.
- Any applicant who wishes to operate a premises for which there is a strong presumption against within the Policy must demonstrate in its application that there will be no derogation in the licensing objectives, including from departing customers, and that its operation actively supports the Key Factors. Reliance on continuing good practice is unlikely to be sufficient where such applications for new or material variations are sought. Neither should reliance be placed on the size of the venue.

9.5 Key Factor 4, Standards to Promote the Licensing Objectives, sets out many measures that the Licensing Authority considers to be appropriate in order to ensure the promotion of the licensing objectives.

9.6 Having regard to the issues within the Town Centre Zone the Licensing Authority has also set out particular matters to which it expects operators to pay special attention in order to ensure their operation will not add to the problems within this area. Operators are not required to do so, but where the authority's discretion is engaged, any applications which fail to address all appropriate matters may be refused or have appropriate conditions applied.

9.7 These measures shall be considered in conjunction with the policy approach set out above and may be more or less appropriate depending on the style of operation applied for. Applicants are not limited to only these proposed measures and should propose all measures they consider appropriate in the promotion of the licensing objectives.

9.8 The measures are set out as follows:

Please note – the references below refer to the standards under the licensing objectives  
(See pages 22 to 34)

<b>Ref</b>	<b>Matter to be addressed</b>	<b>Measure to be adopted</b>
CD2	Effective management of queues outside the premises	A documented policy addressing how queues outside of the premises will be managed to prevent any nuisance or disorderly behaviour
CD3	The control of entry to and exit from the premises, including assessing the need for door supervisors	A documented risk assessment assessing the need for door supervisors at the premises. Where employed, door supervisors shall be easily identifiable (through high-visibility uniform) and employed in appropriate numbers and during appropriate times. Written records to be kept of any door supervisors on duty.
CD5	Designing out crime in the layout of the premises	Positive consideration will be given to the commissioning a Licensing Impact Statement (by Design for Security) and operation of the premises in line with the recommendations of that report.
CD8	Implementation of documented reporting procedures at the premises	Documented records to be kept in respect of: Lost and found property Refused sales of alcohol Thefts Banned and ejected persons Injuries Complaints and any remedial action taken.
CD10	Provision of comprehensive documented staff training	Documented staff training conducted in respect of: Preventing underage sales Preventing drunkenness Managing and resolving conflict Emergency procedures

		<p>Compliance with the licence conditions</p> <p>Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol</p> <p>Identification and refusal of underage sales</p> <p>Positive consideration will be given to the use of accredited training course and recognised industry qualifications (e.g. BII)</p>
CD11	Implementation of effective measures to prevent and deal with drunkenness at the premises	<p>A documented policy in relation to preventing and managing drunkenness on the premises.</p> <p>Access to the premises should not be permitted to any person who is visibly intoxicated.</p> <p>Positive consideration will be given to:</p> <p>The sale of alcohol being subject to the use of waiter/waitress service for consumption by persons seated at tables</p> <p>Substantial food being available at all times</p> <p>Use of the Responsible Alcohol Service Guide</p> <p>Displaying responsible drinking information and posters throughout the premises</p> <p>Ensuring alcohol-free options are readily available</p> <p>Making appropriate arrangements to ensure the safe transport home of vulnerable customers</p> <p>Training of staff in the Responsible Alcohol Service award</p> <p>No promotional activity resulting in a minimum unit price of less than 50p.</p> <p>In relation to off sales - positive consideration will be given to:</p> <p>Voluntary restriction of high strength alcohol (i.e. high ABV beers and cider)</p>

CD13	Effective monitoring of the premises (both interior and exterior) including the use of CCTV	A digital CCTV system installed in conjunction with any specification or recommendations of Essex Police.
CD14	Ensuring all alcohol sales are properly authorised	Positive consideration will be given to there being at least one personal licence holder on duty on the premises at all times it is open to the public.
CD16	Operation of a documented glass policy for the premises	A documented risk assessment in respect of the use of glassware on the premises. Where appropriate plastic or polycarbonate drinking vessels.
CD17	Support for the SOS bus and other mitigation measures	Positive consideration will be given to measures to support the SOS bus and other mitigation measures.
PS1	Maintaining a safe capacity and recording customer numbers	The maximum occupancy of the premises should be prominently displayed at the entrance to the premises and appropriate measures put in place to ensure the capacity is not breached.
PS6	Operation of a documented glass collection and spillage policy	A documented policy to ensure that drinking vessels are not left unattended and the efficient collection of glasses and cleaning up at the premises, especially in outdoor areas.
PN1	Prevention of noise breakout from the premises	Systems to ensure that any noise from the premises, especially regulated entertainment, does not cause disturbance to neighbouring properties, particularly local residents.
PN3	Communication and integration with local residents and businesses	Positive consideration will be given to: Participation in any community local initiatives. Communication with local residents and groups. Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems.



		Hosting of meetings with local residents to troubleshoot issues associated with the premises.
PN4	Effective management of exterior spaces (e.g. beer gardens, smoking areas)	Policies in place in relation to: Supervision arrangements. How such areas will be kept clean and free of litter, particularly at the end of trading. Avoiding customers causing noise disturbance.
PN5	Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter	Systems in place to ensure the premises and surrounding area are kept clean and free of litter at all times the premises is open to the public, and at the close of trade.  Positive consideration will be given to: Contribution (including financial) to any community local initiatives or infrastructure Cleaning initiatives beyond the immediate vicinity of the premises.
PN6	Responsible management of the use of flyers and other promotional material	The distribution of flyers shall only be conducted in accordance with the terms of the requisite permit to distribute free printed material issued by the Council.
PN9	Prevention of customers causing disturbance when leaving the premises	Policies for the dispersal of customers to ensure orderly conduct and minimise disturbance. Positive consideration will be given to: Supervision of customers leaving including preventing customers congregating outside Use of a winding-down period Providing a dedicated taxi/private hire calling service, which operates a call back facility.
PN10	Membership of any local Pub and Club Network/Off Licence Forum or other	Positive consideration will be given to: Participation in the local Pubwatch scheme.

	recognised partnership group	Support of any local resident / community schemes including the voluntary hosting of meetings.
CH4	Taking action to prevent proxy sales of alcohol from the premises	Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to deter offences.
CH7	Prevention of underage sales of age-restricted products and underage persons access	The operation of Challenge 25 with acceptable forms of ID Positive consideration will be given to: The use of till prompts Operation of mystery shopper exercises at own expense.

9.9 The guidance for the Town Centre Zone applies to all new and material variation applications. In relation to variations, this includes any variation that seeks to add a licensable activity, increase the capacity/size of a licensed premises, or extend the hours for licensable activities, but will usually exclude minor variations.

9.10 Each application will be considered on its individual merits.

9.11 Applicants will be expected to have particular regard to all key factors of this Policy.

9.12 The Town Centre Zone will be kept under review and where problems of crime and disorder or public nuisance are not improving, or are worsening, the Policy will be reviewed with a view to introducing a cumulative impact area.

## 10. The Cumulative Impact of Concentrations of Licensed Premises

10.1 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement.

10.2 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increase in crime, anti-social behaviour, noise pollution and disturbance to residents in the vicinity of those premises and other patrons of the night-time economy. In such cases the amenity of local residents can be placed under severe pressure, but the causes may not be attributable to any individual premises and therefore enforcement action taken to ensure adherence to conditions may not always resolve the problems.

10.3 Types of evidence the Licensing Authority will take into consideration when considering whether to implement a cumulative impact policy include:

- Information and intelligence from its own Licensing Enforcement Group
- Alcohol-related crime
- The number and type of licensed premises and the hours and activities for which they are licensed
- Ambulance and A&E data in respect of alcohol-related incidents
- Residential density
- Noise complaints
- The number of consumers attracted to the area and the availability of public transport

10.4 In coming to any decision about a cumulative impact, the Licensing Authority will also have regard to other mechanisms outside of the licensing regime, which may also be available to address the issues, these include but are not limited to:

- Planning controls
- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other Council departments
- The provision of CCTV in the town centre, sufficient taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Police enforcement including the issuing of fixed penalty notices
- Prosecution of personal licence holders or other members of staff who sell alcohol to people who are already drunk
- Confiscation of alcohol from children and adults in designated areas
- Police and Council powers to close down instantly, for 24 hours, a premises or temporary event on the grounds of disorder, the likelihood of disorder or noise

- emanating from the premises causing a nuisance
- The power to seek the review of a licence

10.5 Such a special policy will be implemented if the Authority is satisfied that there is evidence to support such a decision, and that it is proportionate and the most effective measure to address the problems identified.

## **11 Designated Premises Supervisors**

**11.1 Under the Licensing Act 2003, all licences that authorise the sale of alcohol must contain details of the Designated Premises Supervisor (DPS).**

**11.2 It is expected that responsible authorities will as a rule consider developing constructive working relationships with designated premises supervisors, and the Licensing Authority expects this to be reciprocated to promote effective partnership working relations with the trade.**

**11.3 The Section 182 guidance states: ‘the designated premises supervisor is the key person who will usually be charged with day-to-day management of the premises by the premises licence holder including the prevention of disorder.’ The Licensing Authority will not normally impose conditions related to the management competency of designated premises supervisors, save where it is considered appropriate that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder, public safety and public nuisance.**

**11.4 Where, following an objection by the police, the Licensing Authority is satisfied that the appointment of a person as a DPS would undermine the crime prevention licensing objective, the policy is to refuse the appointment or, if already in post, to remove them as the DPS.**

## 12 Temporary Event Notices

12.1 Temporary Event Notices, TENs, can be used to authorise premises for licensable activities for temporary periods or specific occasions.

12.2 Unlike applications for premises licences and club premises certificates, the Licensing Authority does not grant temporary event notices. Instead the premises user notifies the Licensing Authority of their intention to hold an event. Only the police and environmental protection can intervene to prevent it taking place or agree modifications to the event arrangements. However, in the interests of public safety the fire authority is notified by the Licensing Authority of all temporary events notices.

12.3 It is strongly suggested that TENS are lodged well in advance of the event to enable the Licensing Authority to work with event organisers, where necessary, to resolve any potential issues that may arise as a result of the TEN. This is particularly relevant for organisers of events anticipating maximum attendance and/or involving the sale of alcohol. Organisers should also have regard to the relevant parts of the guidance in this policy on large scale events.

12.4 Events such as village fetes which occur on a temporary basis may not require a licence. However, organisers of such events are requested to notify the Licensing Authority to ensure that, in the event that enquiries/complaints are received from members of the public, they can be effectively dealt with.

12.5 Temporary Event Notices do not override the need to have the necessary planning consent in place for the event to be held.

## 13 Premises Licences for Large-Scale Public Events

13.1 The Council holds a number of Premises Licences for public areas throughout the town centre. If you wish to hold an event in a public space it is strongly recommended that you first contact the Council's Licensing Team.

13.2 Licensees are expected to have regard to the management standards set out in the Policy as well as address the following elements:

- Overall event safety control.
- Production details.
- Medical and first aid provision.
- Site management and the structural integrity of all temporary structures.
- Crowd management, stewarding and security.
- Fire safety and control.
- Configuration and control of sound systems.
- Management of any on-site and off-site car parking.
- Management of concessions and franchises.
- Provision and maintenance of water supplies.
- Welfare and provision of information.
- Provision and maintenance of sanitary facilities.
- Reception collection and removal of litter and other waste.
- Liaison with local residents and businesses.

13.3 Relevant details in respect of the above may include:

- The proposed capacity of the event
- The provision of plans to agreed scales detailing exits, entrances, temporary bars, marquees and all facilities to be provided within the premises
- Details of proposals for entertainments, together with information regarding any special effects
- Details of proposals for concessionary activities, including food franchises, bars, restaurants and non-food retail sales
- An alcohol management plan, which will include details of:

The designated premises supervisor  
Personal Licence-holders  
Control of the sale of alcohol  
Proof-of-age policy  
Promotion of responsible drinking

### Appropriate signage

- A Safety Policy and Risk Assessment for the event
- Details of arrangements for coordinating and controlling event safety on the site
- A site safety plan, including site safety rules, requirements for construction and breakdown of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements
- Incident contingency and emergency plans (including a Major Incident Plan)
- A crowd management, stewarding and security plan (taking into account the views of Essex Police)
- A medical ambulance and first aid plan
- A fire safety plan
- A traffic management plan
- A sound assessment with details and proposals for monitoring and controlling sound emission
- Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water
- Details for the reception collection, litter and disposal of other waste
- Details of welfare arrangement facilities and provisions for information on site
- Details of the arrangements and facilities for disabled persons.
- Consideration should not solely focus on the activities taking place within the area of the licensed premises. Appropriate measures to address issues outside the licensable area include:
- Putting in place plans that will assist to minimise disruption to the day-to-day lives of local residents, businesses and existing operations for the period of the event
- Providing a robust traffic and transport plan that takes into account the needs of the local community – and minimises the impact of visitors to the area for the event – while maintaining a safe and convenient point of access and egress for the attendees within the parameters of existing traffic, transport



and parking provision

- Putting in place a strategy to manage the consumption of alcohol by visitors accessing and leaving the event in the public realm and highway
- Putting in place a strategy for the control of access to and egress from the licensed premises for the control of disorderly behaviour.
- Providing facilities external to the licensed area that will assist in the management of the access and egress of visitors to the event – and minimise the impact on the existing public realm – including, but not restricted to, additional toilet facilities and a designated park and ride area
- Putting in place a cleansing strategy beyond the immediate perimeter of the licensed premises in association with the Local Authority
- Providing communication channels for the local community that will enable residents and businesses to access sufficient detailed information prior to the event days
- Providing a hotline and information phone number for residents and local businesses for the duration of the event.

13.4 Licensees should contact the Safety Advisory Group which oversees large scale events in the Borough and have reference to The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as ‘The Purple Guide’.

## **14 Film classifications**

**14.1** Where a Premises Licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to films to be restricted in accordance with either the BBFC classification; or where the film is not classified by the BBFC, any recommendations made by the Licensing Authority.

**14.2** The Council's Policy, attached at Appendix 2 sets out the formal procedure for Colchester Borough Council (the Licensing Authority) to determine within its area –

- the classification of previously unclassified films
- the amendment of classifications and the consideration of appeals by distributors against the BBFC's decisions
- requests to reclassify films.

## **15 Adult Entertainment**

**15.1** Where its discretion is engaged, the Licensing Authority will have regard to the following additional matters in respect of applications to provide adult entertainment, including entertainment of a sexual nature, e.g. nudity, striptease and lap dancing.

**15.2** For premises that wish to provide such entertainment, the authority will also take into account the location of the premises in relation to their proximity to the following sensitive uses –

- residential accommodation;
- schools, nurseries and other premises used by children and vulnerable persons;
- parks or other recreational areas used by children and other vulnerable persons;
- religious centres and places of religious worship;
- youth, community and leisure centres;
- access routes to and from premises listed above;
- historic buildings or visitor attractions;
- an area designated either as an area under regeneration, or due to be regenerated.

**15.3** The Licensing Authority expects licensees to consider the following additional measures when applying to provide adult entertainment and, if considered appropriate for the promotion of the licensing objectives, include relevant steps in their operating schedule:

- The exclusion of under-18s from the premises

- A code of conduct for customers
- A code of conduct for dancers and performers
- Documentary checks for dancers and performers, including proof of age, identity and (where appropriate) proof of permission to work
- How the entertainment will be advertised and promoted at the premises

**15.4 It is expected that any codes of conduct would be developed in consultation with the Licensing Authority having regard to the Council's Sex Establishment Policy.**

## 16 Licensing Enforcement and Monitoring

16.1 It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Licensing Act. Equally important is ensuring that premises not licensed to provide licensable activities are prevented from doing so. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with the licence conditions and the specific requirements of the Act. The Council will also monitor the Borough for unlicensed activities that require a licence and then act accordingly and in line with the Council's Enforcement Policy.

16.2 Enforcement activities to promote the licensing objectives will be targeted and will concentrate on those premises that present a greater risk; have a history of non-compliance with conditions and regulations; or demonstrate poor management practice.

16.3 The Licensing Authority is the lead authority on the Council's Licensing Enforcement Group which comprises representatives from all the responsible authorities and the Garrison. The Group meets monthly to share information on licensed venues and agree any resultant enforcement action.

The Terms of Reference of the Group are to:

- Work together to share knowledge and deal effectively with premises licensed under the Licensing Act 2003 that have been subject to complaints or raised concerns.
- Identify and discuss at an early stage those premises which may be called for review.
- Establish agreed means by which an intervention by the Group rather than by a single responsible authority could be achieved.
- To consider matters of potential serious or escalating concern that may fall outside the Licensing Act 2003 (e.g. taxi problems or disturbance that may be related to the management of one or more licensed premises).
- The aims and responsibilities of the Group are to:
- Improve the local and immediate neighbourhood that is affected by poorly managed premises.
- Raise the levels of compliance and standards of management in licensed premises.
- Prevent a possible escalation of problems with early and coordinated intervention.
- Enable the Licensing Authority to optimise its role as responsible authority under the Licensing Act.

- Improve understanding and foster positive working relationships between all responsible authorities.

16.4 The Licensing Authority takes a risk-based and proportionate approach to regulatory enforcement and monitoring in relation to the likely impact of the premises upon crime and disorder, public nuisance, problems concerning public safety and the protection of children from harm. Therefore, higher-risk and problem premises will be targeted for enforcement activity whereas a lighter touch approach will be adopted for low risk, well-run premises.

16.5 Failure to promote the licensing objectives may result in licence review and the possible implementation of sanctions by the Licensing Committee, including removal of licensable activities, reductions in hours or, ultimately, revocation of the licence. Additionally, where offences are committed and/or licence conditions are not adhered to, prosecution will be considered.

16.6 The Licensing Authority and partner agencies shall continue to work with the licensed trade through the provision of advice, education and training, information, promotion of good practice and behaviour.

16.7 The principles of enforcement for Licensing Authority focus are:

- Taking firm action against those who flout the law or act irresponsibly
- Assisting businesses and others in meeting their legal obligations
- Promptly acting on issues of concern to local communities.

16.8 The responsible authorities are available to provide advice and support for licensees as well as members of the public in relation to any problems they may be encountering relevant to licensed premises.

## **Reviews**

16.9 The review of a licensed premises is the key protection for residents and businesses where one or more of the licensing objectives are being undermined and these problems can be linked to the operation of a licensed premises. A responsible authority or any other body can ask for the review of a licence.

16.10 When considering a review request, or other possible enforcement action, the Licensing Authority will consider all relevant matters and in particular –

- The use of the premises for criminal activities such as the supply of drugs or money laundering
- Failure to promptly respond to a warning given by a responsible authority
- Failure to engage with the responsible authorities in an effective manner
- Previous convictions for licensing offences
- Previous failure to comply with licence conditions

16.11 The Licensing Authority will not normally engage its role as a responsible authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals are entitled to do so in their own right where there are sufficient grounds to do so.

16.12 Where responsible authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give the licence holder early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given, such as using an Improvement Plan before bringing the premises to review. Responsible authorities may seek to amend a licence via review where evidence indicates the need for permanent enforceable conditions to be added to a licence.

16.13 It should be noted that a review can be called without an early warning where a serious situation has occurred, and immediate action is required. Where premises are associated with serious crime and/or disorder a senior Police officer may apply for a summary review of a premises licence.

16.14 The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed of.

### **Suspension for Non-Payment of Fees**

16.15 The Licensing Authority is required to suspend a premises licence or club premises certificate if the annual fee has not been paid when it is due. Where a premises licence or certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may be resumed.

16.16 If an annual fee has not been paid by the due date, the licence holder shall be notified accordingly by the Licensing Authority and given notice of the date the suspension shall take effect.

16.17 Where payment has not been made by the due date as a result of a genuine administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

### **Ability to re-instate conditions upon Review**

16.18 Where entertainments authorised under the Licensing Act 2003 have been deregulated and the conditions in relation to those matters no longer apply, the Licensing Authority may reinstate or impose conditions following a review of a premises licence or

club premises certificate. The reinstatement or imposition of conditions will be considered where it can be demonstrated that the promotion of the licensing objectives is being undermined and such action is considered to be appropriate.





<b>Report of</b>	<b>Assistant Director - Customer</b>	<b>Author</b>	<b>Jason Granger</b> ☎ 508824
<b>Title</b>	<b>Local Council Tax Support Scheme 2021 - 2022</b>		
<b>Wards affected</b>	<b>All Wards</b>		

## 1. Executive Summary

- 1.1 Colchester Borough Council's Local Council Tax Support scheme provides a reduction in Council Tax Liability for eligible residents.
- 1.2 Each year the scheme is reviewed, and proposals are formulated to potentially update the scheme or to maintain the scheme in its existing form.
- 1.3 This report provides details of the proposal for the scheme effective from 1 April 2021.

## 2. Recommended Decision

- 2.1 It is recommended that current working age entitlement is maintained for the fiscal year effective from 1 April 2021. The only amendments from the current scheme being the prescribed regulations and mandated national legislative amendments.
- 2.2 Cabinet refers the Local Council Tax Support Scheme, as described in 2.1, onto full Council for approval and adoption.

## 3. Reason for Recommended Decision

- 3.1 Legislation requires that the scheme, effective from 1 April 2021, is agreed by March 2021.

## 4. Alternative Options

- 4.1 Changes could be made to the scheme. However, stability to the scheme is being recommended as this will provide residents with support and consistency within the context of the Covid-19 pandemic and the resultant financial instability.

## **5. Background Information**

- 5.1 Colchester Borough Council's Local Council Tax Support scheme provides a reduction in Council Tax Liability for eligible residents. Each year the scheme is reviewed ready for 1 April. Local Council Tax Support currently helps 9,300 residents reduce their Council Tax bill – 3,500 of state pension age and 5,800 working age residents. The value of Local Council Tax Support being granted in 2020/21 is currently £8.6 million. National regulations still require local schemes to 'protect' those residents of state pension credit age from any reduction to their level of support as a result of the localisation of the scheme.
- 5.2 Local Council Tax Support entitlement in Essex, for those of working age, still overwhelmingly follows means-tested principles, based broadly on Housing Benefit legislation. Of the 14 Essex Authorities only one has a minimum contribution lower than 20%.

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

- 6.1 No changes are being proposed to the current scheme other than prescribed and mandated national legislative amendments. Therefore, the Equality Impact Assessment has not been revised.

## **7. Strategic Plan References**

- 7.1 The Council's Strategic Plan sets out 15 priorities, one of which being:  
  
'Tackle the causes of inequality and support our most vulnerable people'
- 7.2 Precepting authorities contributed additional funding to assist with the collection of Council Tax, recognising the additional number of residents we had to collect from and the potential difficulties we would experience collecting from residents who have either not previously paid Council Tax or who are paying an increased amount. This additional money has helped fund a proactive intervention programme which provides a range of services including flexible payment plans, debt and back to work advice as well as administration of an Exceptional Hardship fund.

## **8. Consultation**

- 8.1 It is recommended that the current scheme is maintained therefore a consultation is not required.

## **9. Publicity Considerations**

- 9.1 Local Council Tax Support is publicised via our website and we continue to provide information within our annual Council Tax bills and other mailings.

## **10. Financial implications**

- 10.1 There is no specific funding for the Local Council Tax Support scheme. The costs depend upon the number of eligible applicants. The cost of the scheme is shared between the preceptors.

- 10.2 The medium-term financial forecast assumes an increase in Council Tax in 2021/22 and a significant rise in applications, because of the pandemic induced economic crisis. These factors have been budgeted accordingly, as below:

Scheme Cost

	<b>Total Local Council Tax Support costs (£'000)</b>	<b>Colchester Borough Council share (£'000)</b>
2020/21 – current	8,600	1,075
2021/22 – 25% rise	10,400	1,300

**11. Health, Wellbeing and Community Safety Implications**

- 11.1 The proposals contain provision for dealing with welfare concerns of residents, particularly vulnerable people and the support is intended to limit hardship.

**12. Health and Safety Implications**

- 12.1 There are no health and safety implications.

**13. Risk Management Implications**

- 13.1 Fundamental changes to the current criteria could potentially affect the collection fund position, especially in consideration of the current Covid-19 pandemic.
- 13.2 The absence of an adopted Local Council Tax Support Scheme for 2021/22 could lead to introduction of a prescribed default scheme which broadly represents the former Council Tax Benefit scheme with an additional funding requirement.

**14. Environmental and Sustainability Implications**

- 14.1 There are no environmental and sustainability implications.

**Background Papers**

- Draft Local Council Tax Support policy document 2021 – 2022.



**23 November 2020**

<b>Report of</b>	<b>Assistant Director – Corporate and Improvement</b>	<b>Author</b>	<b>Jessica Douglas / Chris Reed ☎ 282240</b>
<b>Title</b>	<b>Officer Pay Policy Statement for 2021/22</b>		
<b>Wards affected</b>	Not applicable		

## **1. Executive Summary**

- 1.1 Local authorities must publish an officer pay policy statement each year. The statement must be approved by Full Council.
- 1.2 The statement covers all pay and benefits for all Colchester Borough Council employees.
- 1.3 The draft statement for 2021/22 is attached, with the detailed rates in the appendix.

## **2. Recommended Decision**

- 2.1 To recommend the approval and adoption of the 2021/22 Statement by Full Council.

## **3. Reason for Recommended Decision**

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

## **4. Alternative Options**

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

## 5. Background Information

- 5.1 Local authorities must publish a pay policy statement for the financial year. The Officer Pay Policy for 2020/21 was approved by [Full Council on 5 December 2019](#).

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

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

## 6. Living Wage

- 6.1 The Council has chosen to pay the [Living Wage](#) as set by the Living Wage Foundation, since 2013 as part of its commitment to being a good employer, and its approach to [Social Value](#). The Council will continue to pay the Living Wage as a minimum standard for all its employees. Around 300 permanent/casual Council staff and 50 third-party contracted employees receive the Living Wage.
- 6.2 The Living Wage is set independently and calculated according to the basic cost of living in the UK. From 9 November 2020 the Living Wage rate is now £9.50 (up 20p or 2.2% from the previous £9.30 an hour), for workers who are 18 and older (see Appendix 1 of policy for more details, annual salary rate etc).
- 6.3 This Living Wage hourly rate, paid by the Council and set by the Living Wage Foundation, is higher than the statutory [National Living Wage](#) brought in by central government in April 2016 for workers who are 25 years or over (currently £8.72) or the [National Minimum Wage](#) (£8.20 if 21-24, £6.45 if 18-20, £4.55 if under 18).
- 6.4 The Council signed a 'Living Wage Employer' licence with the Living Wage Foundation in February 2016. This means that as well as paying the Living Wage Foundation's recommended hourly rate to staff, this requirement has been included in new third-party contracts from that date for contracted staff and suppliers working on Council business.

## **7. Changes last year and looking ahead to 2021/22**

- 7.1 In 2019 the Council completed the implementation of its phased plan to enable third-party contracted staff to also receive the Living Wage. This phase plan was rolled out as contracts come up for renewal.
- 7.2 The £95,000 cap on public sector exit payments was signed off into law on 14 October 2020 and came into force on 4 November. Consideration of any impacts will follow once the guidance and directions that accompany those regulations are published, and following the results of the Government's [consultation](#) which ends 9 November.

## **8. Strategic Plan References**

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

## **9. Publicity Considerations**

- 9.1 The statistical data within the Officer Pay Policy is publicly available on the Council's [Datashare](#) web resource so that it is all in one place, helping to improve openness and transparency. Employee benefits including pay scales are also published on the website [here](#), with gender pay gap information [here](#) (our narrative along with a link to the national GOV.UK statistics).

## **10. Financial implications**

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

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

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

## **12. Other Implications**

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

# **Officer Pay Policy**



**Customer Business Culture**



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## Introduction

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

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

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

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

## 1. Pay strategy and framework

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

### 2. Pay review and annual increases

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

### 3. Remuneration of Chief Officers

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

### 4. Other items in addition to salary

The Council pays the following additions to annual salary:

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

### 4.4 Recruitment and retention payments:

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

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

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

### 4.5 Increases in responsibility:

Temporary or permanent payments can be paid at the discretion of the Chief Executive (for employees on CMG 7 and above), or at the discretion of a member of the Executive Management Team (for employees on CMG 8 and below), to reflect operational needs, the level of additional responsibility and the Council's increment/acting-up policies.

### 4.6 Other items:

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

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

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

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

### **5. Rewarding performance**

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

### **6. Pension**

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

### 7. Other financial benefits

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

7.1 [Travel Plan incentives/charges:](#)

In order to encourage employees to use 'greener' travel modes, which also help to reduce town centre congestion, the Council has developed a package of travel plan measures. These measures include a charge for car parking for employees based in the town centre, and discounts for 'home to work' use of bus and rail travel.

7.2 [Salary sacrifice schemes:](#)

The Council has adopted approved government salary sacrifice schemes which enable employees to have deductions from pay to purchase childcare vouchers (closed to new applicants in October 2018) or cycles for travel to work. These schemes are tax efficient for the employee and are cost-neutral to the Council.

7.3 [Long Service Awards:](#)

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

7.4 [Other allowances:](#)

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

### 8. Recruitment

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

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

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

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

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

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

### 9. Sick Pay

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

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

\* After completing 4 months' service

### 10. Payments when employment status changes

#### 10.1 Redundancy:

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

#### 10.2 Pay Protection:

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

#### 10.3 Agreements:

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

### 11. Election duties

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

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

### 12. Temporary staff and interim arrangements

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

### 13. Supporting Information

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

#### Legislation and best practice guidelines

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

Ministry of Housing, Communities and Local Government:

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

The Chartered Institute of Public Finance and Accountancy:

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

Local Government Association

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

#### Our website

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

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

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

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

### Document Information

<b>Title :</b>	<b>Officer Pay Policy</b>
<b>Status :</b>	<b>2020/21 update of existing policy</b>
<b>Version :</b>	<b>Draft for Cabinet/Council approval</b>
<b>Consultation :</b>	<b>Cabinet 23 November 2020</b>
<b>Approved By :</b>	<b>Full Council</b>
<b>Approval Date :</b>	<b>3 December 2020</b>
<b>EQIA :</b>	<a href="#">click here</a>
<b>Review Frequency :</b>	<b>Annual</b>
<b>Next Review :</b>	<b>November / December 2021</b>

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



## Pay Data – Appendix 1

1. **Annual Salary scales.** The last pay award increase was in April 2020 – 2%.

### Salary spine

point	Annual salary (£.p)	point	Annual salary (£.p)
4*	18,328.26	32	37,068.75
5*	18,328.26	33	38,496.61
6*	18,328.26	34	39,821.87
7*	18,328.26	35	41,147.14
8*	18,328.26	36	42,472.40
9*	18,328.26	37	43,850.38
10*	18,328.26	38	45,228.38
11*	18,328.26	39	46,606.33
12	18,439.62	40	50,032.04
13	18,842.89	41	53,457.76
14	19,249.02	42	56,883.47
15	19,649.45	43	61,447.80
16	20,052.73	44	66,012.09
17	20,455.99	45	70,576.42
18	20,853.60	46	75,140.69
19	21,457.78	47	79,705.00
20	22,062.01	48	84,081.20
21	22,666.18	49	88,457.42
22	23,270.38	50	92,833.59
23	23,874.58	51	97,209.81
24	24,527.24	52	101,585.99
25	26,472.38	53	105,962.22
26	28,465.96	54	110,879.94
27	30,459.55	55	115,797.63
28	31,710.73	56	120,715.34
29	32,961.89	57	125,633.02
30	34,213.04	58	130,550.74
31	35,640.89	59	133,189.84

The Living Wage rate, as set by the Living Wage Foundation, was uplifted to £9.50 an hour/£18,328.26 a year on 9 November 2020. \* these salary points are 'Living Wage'.

Employers can choose to pay the Living Wage on a voluntary basis, and the Council has done so since 2013. This is higher than the compulsory National Living Wage introduced by the government from April 2016 for all employees who are over 25 (currently £8.72).

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

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

## OFFICER PAY POLICY

### Apprentices

The national introduction of an Apprenticeship Levy in April 2017 aimed to encourage businesses to create three million new apprenticeships by 2020. Employers operating in the UK with a pay bill over £3 million each year are now required to invest in apprenticeships via an apprenticeship levy charged at a rate of 0.5% of the annual pay bill.

The Council's first intake of apprentices joined in September 2017. CBC agreed the apprenticeship pay rate as the [National Minimum Wage by age](#) - this is more than the NMW rate for apprentices of £4.15 an hour, and CBC apprentices gets the NMW for their age straight away without having to complete the first year of an apprenticeship or be 19.

### 2. [Pay relationship for Chief Officers](#)

	2020/21
Median average pay for Chief Officers	£88,457.42
Median average pay for staff other than Chief Officers	£24,527.24
Median average pay for lowest paid staff	£17,942.30
Pay multiple of Chief Officer (Chief Executive) pay to staff other than this Chief Officer	5.43
Pay multiple of Chief Officers' pay to staff other than Chief Officers	3.61
Pay multiple of Chief Officers' pay to lowest paid staff	4.93 <sup>1</sup>

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

- Median average pay is based on full-time equivalent annual salary plus additional payments for Chief Officers. It excludes election fees.
- 'Lowest paid staff' is defined as those paid the 'Living Wage' - see chart of 'Colchester Managed Grades (CMG) pay grades on page 8.
- <sup>1</sup>The ratio would be 7.11 if the definition included apprentices.
- Pay multiple - the ratio between the highest and lowest paid staff (£88,457.42 Chief Officers when compared to £17,942.30 Living Wage rate as shown in table above).

### 3. Additional payments for Chief Officers

#### [Returning Officer election fees paid to the Chief Executive](#)

Elections held	Amount paid	Year
Borough and Parish elections	£24,809.15	2019/20

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

#### [Unsocial hours working:](#)

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

Standby allowance from 1 April 2020:

- higher rate – immediate response must be made – day rate £17.64
- standard rate - non-immediate response – day rate £8.82

Call-out from 1 April 2020: £44.00.

#### [Maternity, Paternity and Shared Parental pay:](#)

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

## OFFICER PAY POLICY

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### Non-salary rewards scheme:

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

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

### Exceptional performance:

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

## 6. Pension contribution rate

Employer rate is 19.0% from April 2020 (previously 15.1%). Employee rates are:

<b>LGPS Contribution Bands April 2020</b>		
<b>Actual Pay</b> (includes overtime, additional hours and so on)	<b>Main section rate</b>	<b>50/50 section rate</b>
Up to £14,600	5.5%	2.75%
£14,601 - £22,800	5.8%	2.90%
£22,801 - £37,100	6.5%	3.25%
£37,101 - £46,900	6.8%	3.40%
£46,901 - £65,600	8.5%	4.25%
£65,601 - £93,000	9.9%	4.95%
£93,001 - £109,500	10.5%	5.25%
£109,501 - £164,200	11.4%	5.70%
More than £164,201	12.5%	6.25%

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

Travel Plan benefits and charges:

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

- £2.50 per day.

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

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

**Long Service award:**

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

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

- £162.12 a year (pro rata for part-time staff).

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

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



24 November 2020

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

## 1. Executive Summary

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

## 2. Recommended Decision

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

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

## 3. Background

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

- 3.3 The Ethical Governance policies set out the standards of conduct and integrity that it expects from staff, elected members, suppliers, partners, volunteers and the public. Breaches of the policies will be pursued, and procedures have been introduced to enable any person to raise genuine concerns they may have about the conduct of anybody acting for or on behalf of the Council.
- 3.4 At its meeting on 6 December 2018 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. Accordingly, it is now appropriate to refresh the statement of intent which is attached at Appendix 1. The Committee is recommended to refer this to Full Council for adoption.

#### **4. Review of Ethical Governance Policies**

- 4.1 The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Information Security, Data Protection, Covert Surveillance and Income and Debt policies were last reviewed by this Committee at its meeting on 26 November 2019. The Ethical Governance policies were subsequently adopted as part of the Council's Policy Framework by Full Council.

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

<b>Policy</b>	<b>No. of times invoked during 2017/18</b>	<b>No. of times invoked during 2018/19</b>	<b>No. of times invoked during 2019/20</b>	<b>Whether procedures effective</b>
Anti-Fraud and Corruption	None	None	None	n/a
Whistleblowing	None	1	None	n/a
Anti-Money Laundering	None	None	None	n/a
Covert Surveillance	None	None	None	n/a
Information Security	None	None	None	n/a
Data Protection	None	None	None	n/a

The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Data Protection, Information Security, Acceptable Use and Data Retention policies have all been reviewed to ensure that they remain fit for purpose and no changes are proposed to these policies which are appended to this report.

- 4.2 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. Councillors have recently received updated data protection training from the Council's IT team.
- 4.3 In March 2020 the Investigatory Powers Commissioner's Office undertook its periodic inspection of the Council's compliance with its obligations under the Regulation of Investigatory Powers Act 2000. This involved a review of the Council's Covert Surveillance Policy and associated procedures. The inspection found that the Council's policy was sound but made some recommendations how the policy could be further improved. All of the recommendations have been included in the updated policy. The recommendations focused on updating legislative references and further guidance regarding the review and destruction of surveillance material. The Investigatory Powers Commissioners office noted that the Council had not used the powers since the date of the last inspection which was November 2016.

- 4.6 The Income & Debt Management Policy has been reviewed and there are no proposed changes for this year. The processes are still relevant and meet legislative requirements, whilst supporting strong collection rates. During the last full financial year, the Council achieved high collection rates for Council Tax and Business Rates, achieving 97.80% collection of Council Tax, with an increase in tax base of £6.6million and achieving collection of 98.71% for Business Rates.
- 4.7 The Council continues to improve processes to support residents and businesses to pay on time, including the use of text messages, email and more complex enforcement where necessary.

## **5. Strategic Plan References**

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

## **6. Publicity Considerations**

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

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

- 7.1 None.

## Ethical Governance Statement 2020/21

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

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

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

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

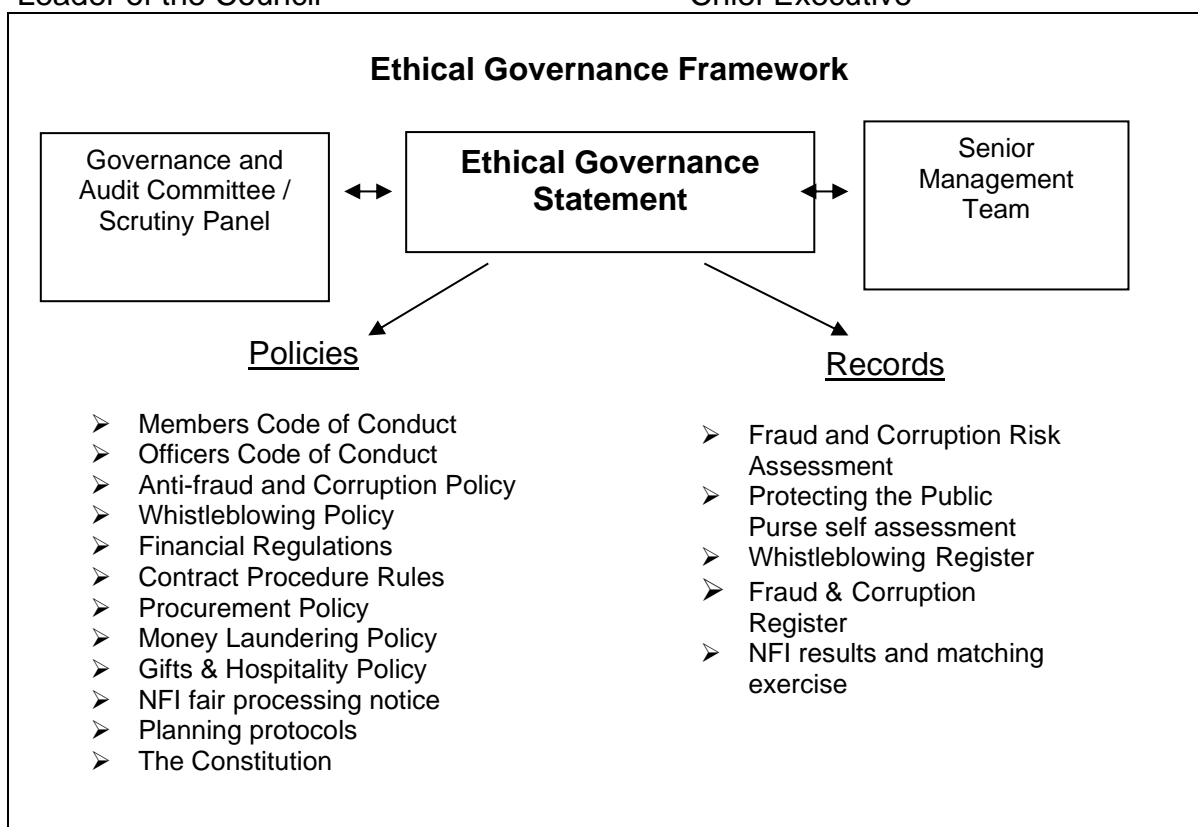
We will take all reasonable steps to ensure that concerns are investigated, and appropriate action taken where necessary. There will be no distinction made in investigation between cases that generate financial benefits and those that do not.



Mark Cory  
Leader of the Council



Adrian Pritchard  
Chief Executive







# Data Protection Policy

October 2020



Customer Business Culture

# Data Protection Policy

## CONTEXT

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 order to carry out its duties.

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

## APPLICATION OF POLICY

The Council fully endorses and adheres to the principles set out in the Data Protection legislation (Data Protection Act 2018 and General Data Protection Regulations). The Council will therefore ensure that all employees, Councillors, 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 Data Protection legislation.

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 with confidentiality at all times, irrespective of whether it is held on paper or by electronic means.

This includes:

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

The Council will ensure that data subjects have appropriate access, upon written request, to personal information relating to them and will ensure the data subjects' rights to rectification, erasure, restriction, portability and object are adhered to.

## THE PRINCIPLES OF DATA PROTECTION

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

- personal data is processed, lawfully, fairly and in a transparent manner
- the purposes for which personal data is obtained and processed are specified and that data is not used for any other purpose
- processing of personal data is adequate relevant and limited to what is necessary
- any data used or kept is accurate and up to date
- personal data is retained only for as long as necessary
- data is disposed of properly
- all personal data is processed in accordance with the rights of the individual concerned
- personal data is processed in an appropriate manner to maintain security
- the movement of personal data is done in a lawful way, both inside and outside the Council, and that suitable safeguards exist, at all times.

## DEFINITION OF PERSONAL AND SENSITIVE DATA

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

Personal sensitive data is defined as personal data consisting of information as to:

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

## ROLES AND RESPONSIBILITIES

Colchester Borough Council will ensure that:

- A member of staff, the Data Protection Officer (DPO), is appointed who has specific responsibility for data protection within the Council
- Any disclosure of personal data is in compliance with the 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
- Staff have access only to personal information relevant to their roles
- Appropriate advice and guidance is available to anyone wanting to make enquiries about personal information held by the Council
- Enquiries and requests regarding personal information are handled courteously and within the time limits set out in law
- All councillors are to be made fully aware of this policy and of their duties and responsibilities under legislation
- Where personal data may need to be shared with third parties in order to deliver services or perform our duties, the Council will only share personal data when a lawful basis from the legislation can justify that sharing, where it is necessary to achieve a clear purpose and, with that purpose in mind, it is fair and proportionate to do so
- Data Protection Impact Assessments (DPIA) are conducted, and signed off by the Data Protection Officer and the Senior Information Risk Owner (SIRO) where processing presents a high risk to the privacy of data subjects
- A record of personal data processing is kept and maintained, this will include a data classification.

All managers and staff will ensure that:

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

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

The Council's Data Protection Officer is responsible for:

- Advising the Council and its staff of its obligations under Data Protection legislation
- 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 Data Protection legislation
- Providing advice where requested on Data Protection Impact Assessments
- To co-operate with and act as the contact point for the Information Commissioner's Office
- 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.

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

- Being the organisation's leader and Champion for Information Risk Management and Assurance
- Advocating good information management and security practices
- Acting in an arbitrary role – to challenge risk mitigation
- Ensuring others are undertaking risk assessments and assurance activities
- Reporting annually to the Accountable Officer
- Is the senior manager with accountability for data protection and information risk and provides a link to the Council's senior management team (SMT).

## COUNCILLORS

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.

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/for-organisations/in-your-sector/political/Councillors> must be registered with the Information Commissioner as data controllers.

## THE INFORMATION COMMISSIONER

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

The DPA 2018 requires every data controller who is processing personal data to notify and renew their notification on an annual basis. Failure to do so is a criminal offence.

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 Information Asset Register with designated officers annually.

## FURTHER INFORMATION

Contact

ICT

[ICT@colchester.gov.uk](mailto:ICT@colchester.gov.uk)

DPO

[DPO@colchester.gov.uk](mailto:DPO@colchester.gov.uk)

01206 507340

In the event of an information breach, or suspected breach, contact the ICT team and Data Protection Officer.



# Acceptable Use Policy

October 2020



Customer Business Culture

# Acceptable Use Policy

## CONTEXT

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

## APPLICATION OF POLICY

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

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

This policy will be reviewed annually.

## ACCESS TO IT SYSTEMS

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



## PASSWORDS

- You must not use someone else's username and password to access any IT systems.
- You must not leave your password unprotected (for example writing it down or sharing it with another person).
- Passwords must meet complexity requirements:
  - Passwords must contain characters from three of the following categories:
    - Upper case letters of European languages (A through Z, with diacritic marks, Greek and Cyrillic characters)
    - Lower case letters of European languages (a through z, sharp-s, with diacritic marks, Greek and Cyrillic characters)
    - A number from 0 to 9
    - Non-alphanumeric characters (special characters): (~!@#\$%^&\* -+=`\'{}[];:"'<>.,?/). Currency symbols such as the Euro or British Pound are not counted as special characters for this policy setting.
    - Any Unicode character that is categorized as an alphabetic character but is not upper case or lower case. This includes Unicode characters from Asian languages.
  - Passwords may not contain the user's samAccountName (Account Name) value or entire displayName (Full Name value).
  - All CBC devices must be password protected.

## BEHAVIOUR

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

## DEVICES

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

## STORAGE

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

## SECURITY AND LICENCING

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

## WORKING REMOTELY

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

## USE OF SHAREPOINT

- You must not purposely engage in activity that may deprive an authorized user access to a SharePoint resource.
- You must not attempt to access content for which you do not have permission.
- You must not circumvent SharePoint security measures. Corporate data/information must only be stored on team sites (not Office 365 groups).
- All staff must maintain the supported infrastructure setup by filing the documents via Adding Properties and not creating folders within folders.

- Site owners are responsible for managing the use of SharePoint in their area and are accountable for their actions.
- Site owners are responsible for the custody or operation of their SharePoint sites and are responsible for proper authorisation of user access.
- Data used in SharePoint must be kept confidential and secure by the user.
- You must ensure that permissions to document libraries are appropriately set and maintained to ensure the security of information.
- You must ensure that private or personal documents are secured (through the use of the 'only me' function) to ensure the security of information.
- Data can be shared with external people/organisations using the 'External sharing' SharePoint site. All documents shared must be removed once the need to share has expired. Any sensitive data shared in this way must be done with the appropriate set up of SharePoint permissions to ensure the security of that data.

## USE OF ONEDRIVE

- Only personal documents should be saved to OneDrive. OneDrive must not be used as a replacement for corporate shared document management, SharePoint.
- OneDrive documents, for example training notes, certificates, 121 meeting notes must not be kept for longer than necessary.

## MOBILE PHONES

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

## WHEN AN EMPLOYEE LEAVES

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

## MONITORING

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

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

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

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

Also see

Information Security Policy

Data Protection Policy

Contact

ICT

ICT@colchester.gov.uk

01206 507340



# Retention Policy

October 2020



Customer Business Culture

# Retention Policy

## CONTEXT

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 order to carry out its duties. Colchester Borough Council will ensure that it treats all personal information entrusted to it lawfully and correctly.

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

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

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

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

## APPLICATION OF POLICY

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

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

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

## RELEVANT PRINCIPLES OF DATA PROTECTION

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

- Personal data is retained only for as long as necessary
- Data is disposed of properly
- All personal data is processed in accordance with the rights of the individual concerned
- Security is maintained at all times;
- 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.

## DEFINING RETENTION PERIODS

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

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

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

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

## ROLES AND RESPONSIBILITIES

Colchester Borough Council will ensure that:

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

All managers and staff will ensure that:

- Paper files and other records or documents containing personal and or sensitive data are kept securely and destroyed securely
- All personal data is kept in accordance with the Council's retention schedule
- Where there is uncertainty around a retention matter ensure that advice is sought from the Data Protection Officer
- The Retention Schedule reflects current legislative requirements for document and records in their care
- The retention of documents and records is fully defined
- Records are accessible and are made available when necessary so that information requests can be responded to promptly
- Records and documents are destroyed or deleted at the end of the retention period in a secure way
- Records are held in accordance with the Data Protection and Freedom of Information Acts and any other relevant provisions.

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

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

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

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

## FURTHER INFORMATION

Contact

DPO

[DPO@colchester.gov.uk](mailto:DPO@colchester.gov.uk)

01206 507340

In the event of an information breach, or suspected breach, contact the ICT team and Data Protection Officer.





# Information Security Policy

October 2020



Customer Business Culture

# Information Security Policy

## CONTEXT

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

## APPLICATION OF POLICY

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

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

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

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

## INFORMATION SECURITY PRINCIPLES

Information security is the preservation of:

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

## ROLES AND RESPONSIBILITIES

### The Organisation

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

### The Chief Executive

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

### Senior Information Risk Owner

- Assures information security within the organisation
- Promotes information security at executive management level
- Provides an annual statement about the security of information assets.

### Information Security Manager

- Provides a central point of contact for information security
- Manages the investigation and mitigation of information security breaches
- Supports Information Asset Owners to assess risks and implement controls
- Ensures that staff are unable to gain unauthorised access to Council IT systems
- Ensures the security of the central computer suite, ensuring that access is restricted to staff with specific job functions
- Ensures that all system developments comply with the Council's IT Strategy. All system developments must include security issues in their consideration of new developments
- Ensures that a third-party specialist routinely reviews network security
- Ensures that no external agency are given access to any of the Council's networks unless that body has been formally authorised to have access
- All external agencies will be required to sign security and confidentiality agreements with the Council.

### System Owners

- Ensure they delete or disable all identification codes and passwords relating to members of staff who leave the employment of the Council on their last working day
- Ensure that all system developments must comply with the Council's IT Strategy. All system developments must include security issues in their consideration of new developments
- Ensure that written backup instructions for each system under their management are produced. The backup copies should be clearly labelled and held in a secure area. Procedures should be in place to recover to a useable point after restart of this back-up
- Ensure that all systems should be adequately documented and are kept up to date so that it matches the state of the system at all times.

### Information Asset Owners

- Assess the risks to the information they are responsible for
- Define the protection measures of the information they are responsible for, taking consideration of the sensitivity and value of the information
- Communicate the protection controls to authorised users and ensure controls are followed

#### All Managers Must:

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

#### All Employees, Councillors, Voluntary Workers and Agency Staff must:

- Conduct their business in accordance with this policy
- Only access systems and information for which they are authorised
- Only use systems and information for the purposes authorised
- Comply with all applicable legislation and regulation
- Comply with controls communicated by the Information Asset Owner
- Not disclose confidential or sensitive information to anyone without the permission of the Information Asset Owner
- Ensure confidential or sensitive information is protected from view by unauthorised individuals
- Not copy, transmit or store information to devices or locations (physical or digital) where unauthorised individuals may gain access to it; the security of devices and locations you use are your responsibility
- Protect information from unauthorised access, disclosure, modification, destruction or interference
- Keep passwords secret and do not allow anyone else to use your access to systems and accounts

- Notify the Technology Services Manager of any actual or suspected breach of information security policy and assist with resolution
- Co-operate with compliance, monitoring, investigatory or audit activities in relation to information
- Take responsibility for familiarising themselves with this policy and understanding the obligations it places on them
- Reporting any breach, or suspected breach of information security without delay
- When disclosing personal or sensitive information to customers, particularly over the phone or in person, ensure that they verify their identity. Service areas dealing with customers on a daily basis should have suitable security questions which must always be used
- Always secure laptops and handheld equipment when leaving an office unattended and lock equipment away when you are leaving the office. Users of portable computing equipment are responsible for the security of the hardware and the information it holds at all times on or off Council property
- Physical security to all office areas is provided through the access control system. Staff should challenge strangers in the office areas without an ID badge. Never let someone you don't know or recognise to tailgate you through security doors
- Staff working from home must ensure appropriate security is in place to protect Council equipment or information. This will include physical security measures to prevent unauthorised entry to the home and ensuring Council equipment and information is kept out of sight. Council issued equipment must not be used by non-Council staff.

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

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

## MONITORING

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

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

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

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

Also see

Acceptable Use Policy

Data Protection Policy

Contact

[ICT@colchester.gov.uk](mailto:ICT@colchester.gov.uk)

01206 507340



# Anti-Money Laundering Policy 2020/21

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

November 2020

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## **ANTI-MONEY LAUNDERING POLICY**

### **1. Introduction**

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

Colchester 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](mailto: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 Council’s Section 151 Officer, Paul Cook.

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

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

If satisfactory evidence is not obtained at the outset of a matter, then the transaction must not be progressed and a disclosure report, available on the 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, attached at Appendix 1 to this policy. The report must include as much detail as possible including

- Full details of the people involved

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

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

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

Once you have reported the matter to the MLRO you must follow any 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, for example:

- reviewing other transaction patterns and volumes

- the length of any business relationship involved
- the number of any one-off transactions and linked one-off transactions
- any identification evidence held.

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

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

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

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

Where the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then 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.

CONFIDENTIAL

Appendix 1

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

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

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

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

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

**Have you discussed your suspicions with anyone else?** Yes ☐ No ☐

*[Please tick relevant box]*

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

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

**If yes, please specify below:**

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

**If yes, please set out full details below:**



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

Yes ☐No ☐

*[Please tick relevant box]*

If yes, please include details below:

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

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

Signed: .....

Dated: .....



# Code of Practice on Covert Surveillance 2020/21

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

2020

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# CODE OF PRACTICE ON COVERT SURVEILLANCE

## 1.0 INTRODUCTION

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

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

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

The Act sets out certain criteria that the Council has to comply with before it undertakes surveillance and those are also reflected in the Office of Surveillance Commissioners' Procedures and Guidance ("the Guidance") in relation to covert surveillance by public authorities which is available on the Investigatory Powers Commissioner's website:

<https://www.ipco.org.uk/docs/OSC%20PROCEDURES%20AND%20GUIDANCE.pdf>

The Home Office have published a Code of Practice on Covert Surveillance and Property Interference which is available on its website:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/742041/201800802\\_CSPI\\_code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf)

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

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

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

The Investigatory Powers Commissioner's Office now has responsibility for oversight of investigatory powers from the Office of Surveillance Commissioners.

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

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

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

This policy sets out how Colchester 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.

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

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

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

### 2.1 Directed surveillance

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

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

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

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

### 2.2 General observations

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

Directed surveillance will not include surveillance that is undertaken as an immediate response to events or circumstances which, by their nature could not have been foreseen. This will include situations where officers are out in the normal course of their duties and happen to witness an activity, for example a housing officer visiting tenants and witnessing

anti-social behaviour by an individual. *In other words, where there is no systematic surveillance.*

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

## 2.3 Intrusive surveillance

"Intrusive Surveillance" is surveillance that is:

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

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

## 2.4 Covert Human Intelligence Sources

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

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

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

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

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

Any such regulatory or professional disclosures should not result in these individuals meeting the definition of a Covert Human Intelligence Source, as the business or professional relationships from which the information derives will not have been established or maintained for the covert purpose of disclosing such information.

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

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

### 3.0 Areas of operation

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

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

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

### 4.0 AUTHORISATION AND AUTHORISING OFFICERS

If directed surveillance is proposed to be carried out then **authorisation must be sought**. Under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 as amended by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015, the Council considers that the following officers can authorise directed surveillance ("Authorising Officer"):

Chief Executive;  
Chief Operating Officer;  
Executive Director; and Strategic Director.

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

An Authorising Officer when being requested to authorise directed surveillance must be satisfied that the request is necessary and meets the criteria set down in the Act, the Code and the 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 – ie 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~~ **intrusive** method of meeting that purpose. The surveillance itself must be a proportionate response to the issue it is seeking to address. Consideration should be given to alternative methods of resolving the situation or obtaining the evidence sought and this should be documented.

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

## **7.0 PROCEDURE FOR AUTHORISATIONS, CANCELLATIONS AND RENEWALS**

### **7.1 Authorisations**

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

Authorisations must be in writing on the form attached.

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

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

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

## 7.2 Magistrates' Approval

Once an authorisation form has been completed Legal Services will:

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

The Justice of the Peace may decide to either:

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

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

## 7.3 Review

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

## 7.4 Renewals

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

## 7.5 Cancellations

The Authorising Officer who last granted or renewed the authorisation must cancel it if s/he is satisfied that the directed surveillance no longer meets the criteria for authorisation. A cancellation should be made on the form attached. The original should be retained on the case file and a copy passed to Legal Services for retention centrally.

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

## 7.6 Audit

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

## 8.0 MISCELLANEOUS POINTS

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

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

### 8.2 CCTV

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

## 9.0 ~~SOCIAL NETWORKING SITES~~ MEDIA

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

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

Repeat viewing of 'open source' sites, however, may constitute directed surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for directed surveillance.

To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Officers should be mindful of any relevant guidance

and the Council's separate Use of Social Media in Investigations Policy and Procedure attached at Annex 1 of this Policy.

## 10.0 TRAINING

The Council will ~~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 Council's intranet, COLIN.

## 11.0 GENERAL BEST PRACTICES

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

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

## 12.0 SENIOR RESPONSIBLE OFFICER

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

- the integrity of the process in place within the Council to authorise directed surveillance
- compliance with Part II of the Act, the Code and the Guidance
- engagement with the ~~Office of the Surveillance Commissioners~~ **Investigatory Powers Commissioner's Office** and inspectors when they conduct their inspections, and where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner
- assurance that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the ~~Office of the Surveillance Commissioners~~ **Investigatory Powers Commissioner's Office**
- supervising the maintenance of records.

## 13.0 COMMUNICATIONS DATA

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

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

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

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

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

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

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

## 14.0 COMPLAINTS

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

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

## **15.0 QUERIES ABOUT THIS CODE OF PRACTICE**

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

# Use of Social Media in Investigations Policy and Procedure 2020/21

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

November 2020

# **USE OF SOCIAL MEDIA IN INVESTIGATIONS**

## **POLICY AND PROCEDURES**

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## **1.0 INTRODUCTION & BACKGROUND**

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

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

- 2.1 With the increasing use of smartphones and personal devices, there is a significant amount of information on an individual's Social Media pages. This information might be relevant to an investigation being undertaken by the Council. However, unguided research into the sites of suspects could fall within the remit of RIPA and therefore require authorisation prior to it being undertaken. Officers should therefore seek advice from Legal Services prior to undertaking any investigation using Social Media sites.
- 2.2 Officers embarking on any form of investigatory action should always do so with RIPA in mind. Whilst RIPA will not always be relevant to every investigation, it is vital that officers involved in investigative practices against individuals, regularly review their conduct with respect to investigatory actions. Any investigation is capable of evolving from being one that does not require RIPA authorisation, to one that does, at any point.
- 2.3 Accordingly, this Policy should be read in conjunction with the Council's current Code of Practice on Covert Surveillance, as well as the statutory codes of practice issued by the Secretary of State and the Office of Surveillance Commissioners' Guidance.
- 2.4 Instances of repeated and/or regular monitoring of Social Media accounts, as opposed to one-off viewing, may require RIPA authorisation. Advice should be sought from Legal Services where it is envisaged that this level of monitoring will be required in relation to a particular investigation. See paragraph 6.2 below.

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

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

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

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

Facebook	Twitter	Instagram
LinkedIn	Pintrest	Tumblr
Reddit	Flickr	Google+

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

## **4.0 PRIVACY SETTINGS**

- 4.1 The majority of Social Media services will allow its users to decide who can view their activity, and to what degree, through the use of privacy settings. Whilst some users are happy, or otherwise indifferent about who is able to view their information, others prefer to maintain a level of privacy.
- 4.2 Depending on their intentions, many users will purposely use Social Media with no privacy setting applied whatsoever. This could be due to the fact that they are actively promoting something, such as a business or event, and therefore require as many people as possible to be able to view their Social Media profile at all times; others may do so for reasons of self-promotion or even vanity. The information publicly available is known as an individual's public profile.
- 4.3 Those individuals with public profiles who operate on Social Media without any, or only limited, forms of privacy settings being activated do so at their own risk. Often, Social Media sites will advise its users through its terms and conditions of the implications of not activating privacy controls, namely that all content they publish or share will be viewable by everyone, including sometimes people who, themselves, do not have an account with that provider.
- 4.4 Whilst the content or information shared by individuals on Social Media remains the property of that individual, it is nonetheless considered to be in the public domain. Publishing content or information using a public, rather than a private setting, means that the individual publishing it is allowing everyone to access and use that information, and to associate it with them.
- 4.5 The opposite of a public profile is a private profile. Some users of Social Media will not wish for their content, information or interactions to be viewable to anyone outside of a very small number of people, if any. In

these instances, users will normally set a level of privacy on their Social Media profiles that reflects what they are comfortable with being made available, meaning that, for example, only friends, family and other pre-approved users are able to view their content or make contact with them through that site.

- 4.6 By setting their profile to private, a user does not allow everyone to access and use their content, and respect should be shown to that person's right to privacy under Article 8 of the Human Rights Act. This does not, however, extend to instances where a third party takes it upon themselves to share information which originated on a private profile on their own Social Media profile. For example, Person A publicises on their *private* Social Media page that they intend to throw a party, at which they will be selling alcohol and providing other forms of licensable activities, despite not having a licence from the Council to do so. Person B, who "follows" Person A's Social Media page, re-publishes this information on their *public* Social Media page. The information on Person A's profile cannot be used, however the same information on Person B's profile, can.

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

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

- 5.5 When considering what is available on an individual's public Social Media profile, those investigating an offence, or potential offence, should always keep in mind what relevance it has to that investigation. Only information that is relevant to the investigation at hand, and goes some way toward proving the offence, should be gathered. If there is any doubt as to whether something is relevant, then advice should be sought from Legal Services.

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

- 6.1 When it is discovered that an individual under investigation has set their Social Media account to private, Officers should not attempt to circumvent those settings under any circumstances. Such attempts would include, but are not limited to;
- sending "friend" or "follow" requests to the individual,
  - setting up or using bogus Social Media profiles in an attempt to gain access to the individual's private profile,
  - contacting the individual through any form of instant messaging or chat function requesting access or information,
  - asking family, friends, colleagues or any other third party to gain access on their behalf, or otherwise using the Social Media accounts of such people to gain access, or
  - any other method which relies on the use of subterfuge or deception.

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

- 6.2 A distinction is made between one-off and repeated visits to an individual's Social Media profile. As outlined at paragraph 2 above, a RIPA authorisation must be sought in order to carry out directed surveillance against an individual. Whilst one-off visits, or otherwise infrequent visits spread out over time, cannot be considered "directed surveillance" for the purposes of RIPA, repeated or frequent visits may cross over into becoming "directed surveillance" requiring RIPA authorisation. A person's Social Media profile should not, for example, be routinely monitored on a daily or weekly basis in search of updates, as this will require RIPA authorisation, the absence of which is an offence. For further guidance on this point, officers should contact Legal Services.
- 6.3 Regardless of whether the Social Media profile belonging to a suspected offender is set to public or private, it should only ever be used for the purposes of evidence gathering. Interaction or conversation of any kind should be avoided at all costs, and at no stage should a Council Officer seek to make contact with the individual through the medium of Social Media. Any contact that is made may lead to accusations of harassment or, where a level of deception is employed by the Officer, entrapment,

either of which would be detrimental and potentially fatal to any future prosecution that may be considered.

## **7.0 CAPTURING EVIDENCE**

- 7.1 Once content available from an individual's Social Media profile has been identified as being relevant to the investigation being undertaken, it needs to be recorded and captured for the purposes of producing as evidence at any potential prosecution. Depending on the nature of the evidence, there are a number of ways in which this may be done.
- 7.2 Where evidence takes the form of a readable or otherwise observable content, such as text, status updates or photographs, it is acceptable for this to be copied directly from the site, or captured via a screenshot, onto a hard drive or some other form of storage device, and subsequently printed to a hard copy. The hard copy evidence should then be exhibited to a suitably prepared witness statement in the normal way.
- 7.3 Where evidence takes the form of audio or video content, then efforts should be made to download that content onto a hard drive or some other form of storage device such as a CD or DVD. Those CD's and/or DVD's should then be exhibited to a suitably prepared witness statement in the normal way. Any difficulties in downloading this kind of evidence should be brought to the attention of the Council's IT Team who will be able to assist in capturing it.
- 7.4 When capturing evidence from an individual's public Social Media profile, steps should be taken to ensure that all relevant aspects of that evidence are recorded effectively. For example, when taking a screenshot of a person's Social Media profile, the Council Officer doing so should make sure that the time and date are visible on the screenshot in order to prove when the evidence was captured. Likewise, if the evidence being captured is a specific status update or post published on the suspected offender's profile, steps should be taken to make sure that the date and time of that status update or post is visible within the screenshot. Without this information, the effectiveness of the evidence is potentially lost as it may not be admissible in court.
- 7.5 Due to the nature of Social Media, there is a significant risk of collateral damage in the form of other, innocent parties' information being inadvertently captured alongside that of the suspected offender's. When capturing evidence from a Social Media profile, steps should be taken to minimise this collateral damage either before capturing the evidence, or subsequently through redaction. This might be particularly prevalent on Social Media profiles promoting certain events, where users are encouraged to interact with each other by posting messages or on photographs where other users may be making comments.

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

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

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

- 9.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should **not** be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018 , the Freedom of Information Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the Data Protection Officer or the Monitoring Officer.
- 9.2 Personal data gathered by the Council is subject to the Data Protection Act 2018. When considering whether to retain the data, the Council should:
- review the length of time it keeps personal data;
  - consider the purpose or purposes it holds the information for in deciding whether (and for how long) to retain it;
  - securely delete information that is no longer needed for this purpose or these purposes; and
  - update, archive or securely delete information if it goes out of date
- 9.3 Due to the nature of Social Media, it is important to remember that when information produced as a hard copy is destroyed in line with this paragraph, that all digital copies of that evidence is likewise destroyed.

## **10.0 REVIEW**

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





# Whistleblowing Policy 2020/21

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

November 2020

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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, Paul Cook ☎ 505861

Deputy Monitoring Officer, Hayley McGrath ☎ 508902

Deputy Monitoring Officer, Julian Wilkins ☎ 282257.

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

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

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

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

## 5.0 How the Council will respond

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

Where appropriate, the matters raised may be:

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

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

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

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

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- informing you whether further investigations will take place and if not, why not.

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

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

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

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

## **6.0 The Responsible Officer**

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

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

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

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

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

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

## **8.0 Questions regarding this policy**

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

## **9.0 Review**

This policy will be reviewed annually.





# Income & Debt Management Policy

Customer Business

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## **1. Introduction**

- 1.1 The Council is being increasingly commercial in every aspect and service. We balance the importance of supporting our vulnerable customers whilst increasing our income and streamlining processes.
- 1.2 It is important that the Council offers a wide range of easy payment methods to our customers which are available 24 hours a day to aid swift payment in a safe and secure way. The options available to our customers are continually reviewed and improved.
- 1.3 The Income and Corporate Debt Teams manage services on behalf of other services and organisations. Specific Service Level Agreements will be in place for these services.
- 1.4 This policy covers the collection and procedures of the following debts:
  - Council Tax
  - Business Rates (NNDR)
  - Housing Benefit Overpayment
  - Sundry Debts (including Commercial Rent)
  - Penalty charge notices
  - Mortgages and Shared Ownership Schemes

## **2 Policy Aims**

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

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

- 3.1 There is a legal duty placed on the Council to bill for Council Tax and Non Domestic Rates (Business Rates) in accordance with legislation. The processes are automated and managed by the Technical Control Team and the Income Team.
- 3.2 Sundry (Commercial) debts are more varied and can be dealt with by the Income Team in liaison with the individual services.
- 3.3 The below table shows the billing and recovery process in terms of team responsibility for the different types of debt.

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

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

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

#### **4. Methods of payment**

4.1 The Council offers the following payment methods:

- Direct debit
- BACS
- Online payments
- Automated telephone line payments

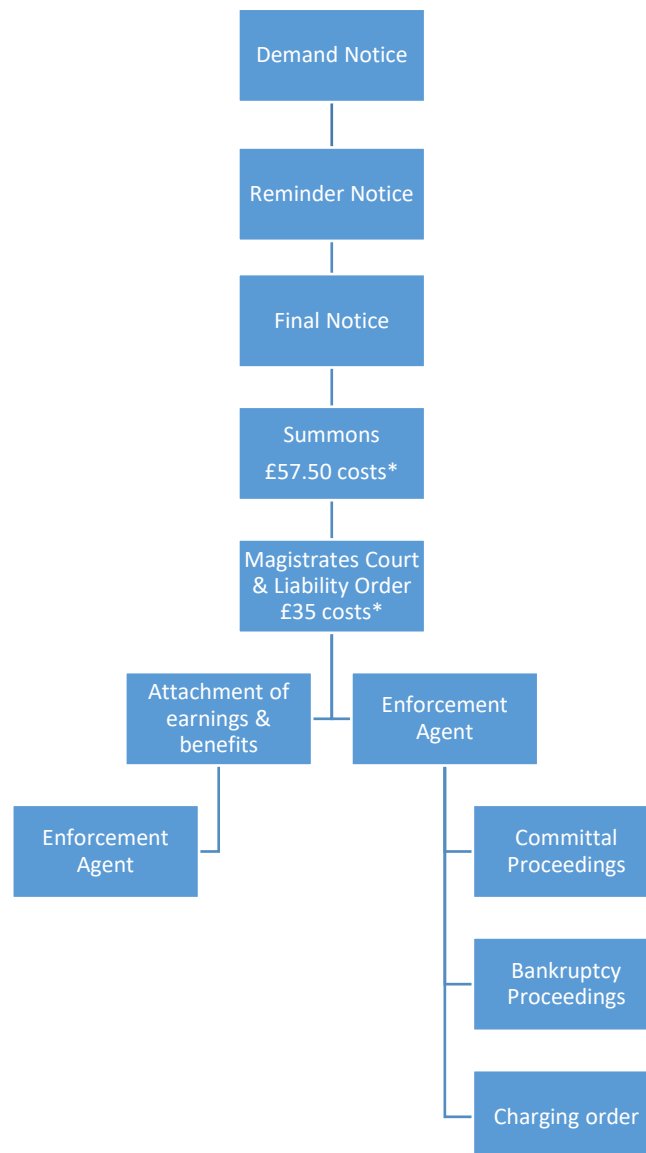
4.3 Services should remove any payment options from promotional materials, bills or other correspondence other than the preferred payment methods. For recurring or regular charges Direct Debit must be promoted as the payment option. For one off charges an upfront debit card internet payment should be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

4.4 It is acknowledged that there may be exceptional circumstances where payments would be received in a method that is not listed above for example if a customer is very vulnerable or if they were in a formal enforcement process.

## 5. Recovery of unpaid debts

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

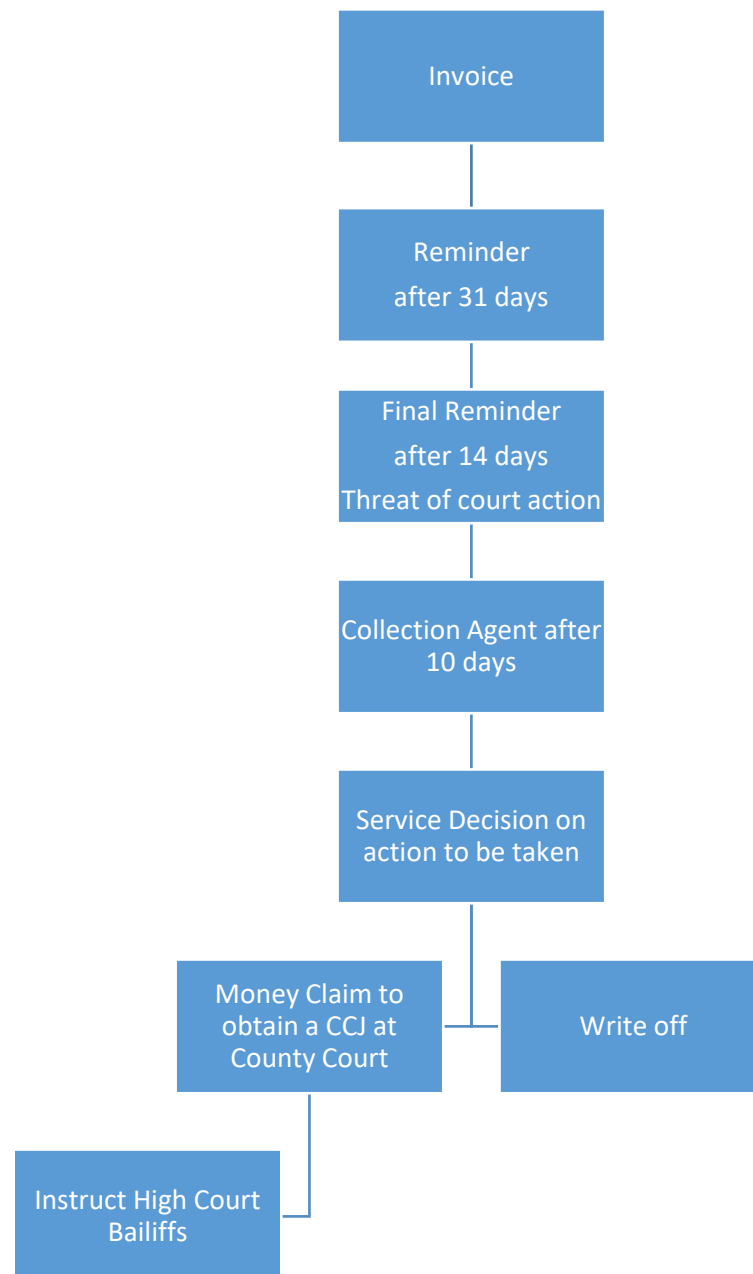
### 6.1 Council Tax and Business Rates Process



\* Please note that Summons and Liability Order costs are subject to review prior to April 2019. The Council calculates the actual cost of issuing the documents and this is recovered as part of the debt. The Council will keep costs to a minimum where possible.

## 7. Sundry Debt Processes

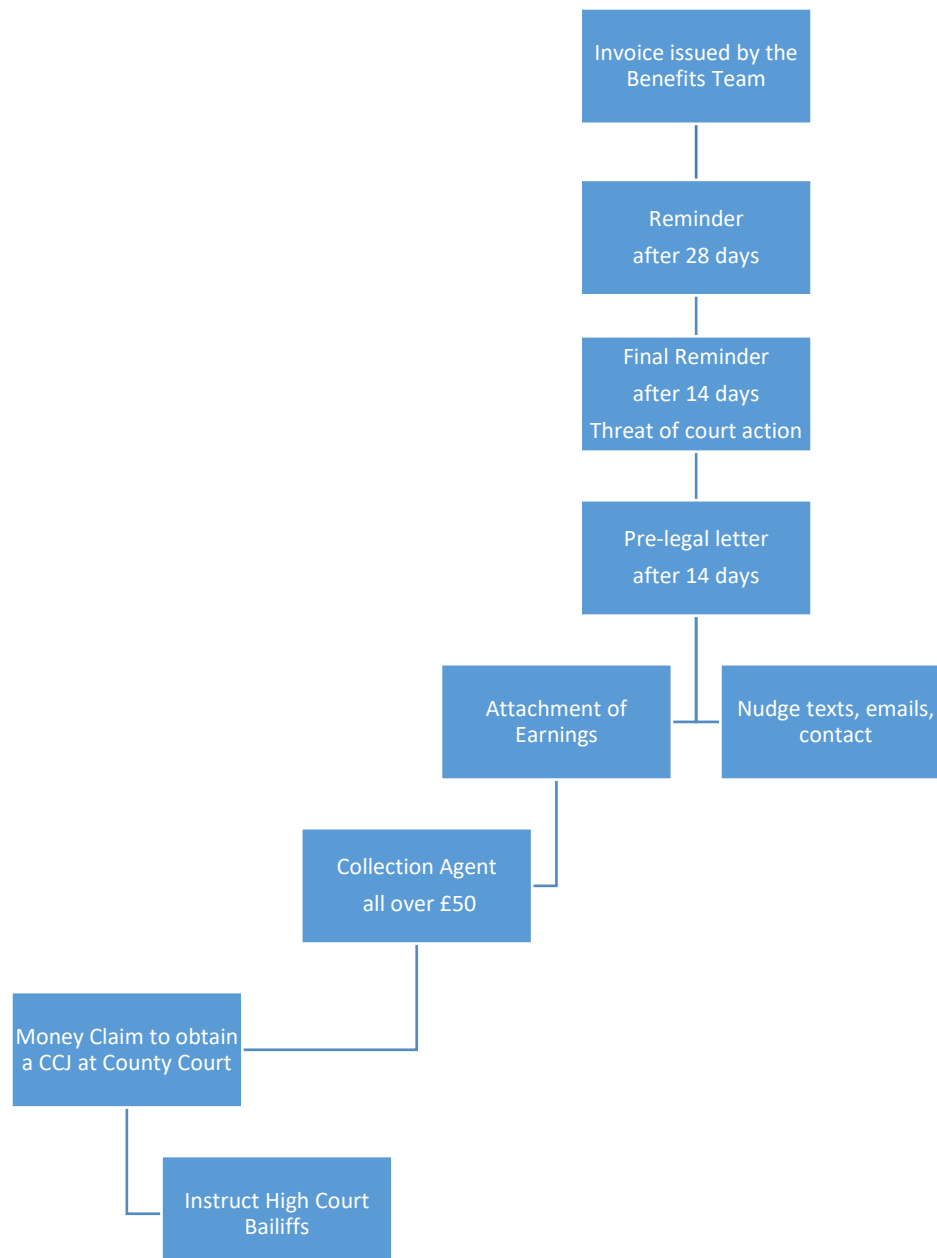
- 7.1 In the cases of sundry debts it is the service or relevant manager who should decide whether enforcement action should be taken. The Income Team will inform services of any debts owing to them and they should respond to say whether each case should then be enforced.



- 7.2 Actions within sundry debt recovery should be complete in a timely manner. Where delays of over 28 days past the due date are encountered at any stage, the reasons should be detailed within the case notes on system.
- 7.3 Forfeiture can also be considered for the recovery of commercial rent. This is where the Council will forfeit a lease due to non-payment of rent. The Council will instruct an Enforcement Agent to carry out the process of securing the property.

## 8. Housing Benefit Overpayment

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



## **9. Enforcement**

- 9.1 The Council will use all means at its disposal to ensure that any debts owed are recovered following any relevant statutory or civil process to enforce payment.
- 9.2 When initiating recovery action the officer must also consider whether the debtor is vulnerable and how any action would impact on them.
- 9.3 The following enforcement options will be considered by Council Officers (as well as other options specific to an individual case):

## **10. Enforcement Agents**

- 10.1 All Enforcement Agents are regulated and have to act in prescribed ways to our customers. They are all fully trained on how to identify vulnerable customers and wear body cameras so all customer contacts are recorded and can be viewed back if required.
- 10.2 There is a clearly defined stage process and Enforcement Agents can only charge fees for each stage when certain trigger actions have been completed.
- Stage 1- Compliance stage £75.00
  - Stage 2 – Enforcement Stage £235.00 + 7.5% on the original debt over £1,500
  - Stage 3 – Sale Stage £110.00 + 7.5% on the original debt over £1,500

## **11. Attachment of Earnings, Fees or Benefits**

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

## **12. Bankruptcy Proceedings/Liquidation**

- 12.1 Used when the debtor is a property owner and it is thought that there will be sufficient equity within the property to support full or partial repayment of the debt.
- 12.2 Cases considered suitable for bankruptcy are selected from cases that have been returned from the bailiff, either unable to gain entry or unable to access or returned no goods.
- 12.3 The following factors must be considered:
- The level of equity available in the liable property and any other associated properties where the debtor has a financial interest must cover the outstanding debt and associated costs
  - Whether the property is up for sale and therefore a charging order would be more appropriate



### **13. Charging Orders on Property**

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

### **11. Committal Proceedings**

- 11.1 The law allows Councils to apply to the Magistrates Court to have a person sent to prison where there is culpable neglect or wilful refusal to pay debt.
- 11.2 This will be used when bankruptcy or charging orders are not appropriate. It is not generally accepted by the local magistrates' court as appropriate action, but can be used when other remedies have been exhausted.

### **12. Money Claim**

- 12.1 This is an efficient and inexpensive way for the Council to commence the County Court Judgement (CCJ) process via the County Court. Customers are contacted in regard to any debt by The County Court and given the option to pay in full, set up an arrangement for payment or dispute the debt.
- 12.2 If the judgement is for more than £600 the Council may be able to ask a High Court Enforcement Officer to try to collect the money or remove goods to sell at auction. A warrant is required for this action.

### **13. Vulnerable customers and those who are in financial difficulty**

- 13.2 The Council is committed to support and assist our vulnerable customers. The Income and Corporate Debt Team work closely with the Customer Support Team and external partners to offer the best solution and advice possible for the vulnerable customer and the Council.
- 13.3 Extenuating circumstances will be taken into account when considering recovery action in order to protect the vulnerable and avoid transference of a problem elsewhere.

Considerations may include:

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

For business debts considerations may include:

- Potential loss of employment for employees of the business
- Loss of key facilities for the local community
- A payment option is the only choice because the business has no assets

- Consideration to any relief that may be appropriate.
- 13.4 Where it has been identified that a customer is suffering from financial difficulties or other extenuating circumstances the Council is committed to providing advice and support as well as a variety of payment options including:
- Holding enforcement action once a customer makes contact to inform of a difficulty in making payment
  - Voluntary payment solutions considered in preference to statutory or civil remedies as a first stage
  - Past history of payments should be considered when making a decision to proceed with enforcement action
  - Where a payment solution is agreed this should be confirmed in writing by the Council including any action that will be taken should the agreed payments not be made
  - Payment solutions should be made with an agreed up-front payment from the debtor whenever possible
  - Where a payment solution cannot be agreed, the debtor will be advised of the reasons why and that the recovery process will continue should an alternative arrangement not be made

#### **14. Tracing and Searches**

- 14.1 As part of the recovery process as number of traces and searches can be carried out to try and establish further information on a debtor. This is particularly useful when we have no forwarding address for someone who has moved home before settling a debt.
- 14.2 Locating Council Tax Absconders (LOCTA) is a local government tracing tool that provides a suite of information including, forwarding address, DWP information, credit reports and telephone numbers.
- 14.3 If a LOCTA search is unsuccessful the Council may use a Credit Referencing Agency to trace an individual. The Data Protection Act section 29 allows Local Authorities to credit check and search individuals in regard to the collection of Tax.
- 14.5 The use of internet searches and Social Media to access information in the public domain is also very useful, particularly in establishing employment details for attachment of earnings.
- 14.6 We can also use a Customer Information System (CIS) check that allows certain authorised officers to search DWP database. This information can only be used for the recovery of Housing Benefit Overpayments.
- 14.7 If necessary the Council may ask a Revenues Inspector to carry out a visit to establish the status of a property.

## 15. Bad debts

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

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

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

<i>Debt Value</i>	<i>Process</i>	<i>Authorised Person</i>
<b>Up to £25</b>	Write off on the system with screen notes using write off code	Corporate Debt/Revenues Officer/Housing Benefit Officer
<b>£25 to £100</b>	As above.  Income and Corporate Debt Manager to carry out spot checks and record for audit purposes.	Corporate Debt/Revenues Officer  Corporate Debt Manager/Housing Benefit Manager
<b>£100 - £5,000</b>	Detailed system checks/searches carried out. If unsuccessful and investigation form is complete and signed.  Investigation forms batched and front schedule to be signed.	Corporate Debt Manager/Housing Benefit Manager  S151 Officer
<b>Over £5,000</b>	A Portfolio Holder report must be complete with details of individual write-offs	Portfolio Holder

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

## **16. Complaints and errors**

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

## **Appendix 1**

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

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

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

#### **Mortgages**

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

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

#### **Shared ownership cases**

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

## Appendix 2

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

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

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

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



## Governance and Audit Committee

Item  
**11**

Colchester 24 November 2020

Report of Monitoring Officer

Author Andrew Weavers  
☎ 282213

Title Review of Local Code of Corporate Governance

Wards affected Not applicable

### 1. Executive Summary

- 1.1 This report requests the Committee to review the Local Code of Corporate Governance for 2020/21. The Local Code of Corporate Governance is how the Council demonstrates that its structures comply with the recognised principles of good governance.
- 1.2 The report also recommends that Full Council includes the Code in its Policy Framework which comprises all of the Authority's key policies.

### 2. Recommended Decision

- 2.1 To review the updated Local Code of Corporate Governance for 2020/21.
- 2.2 To recommend to Full Council that it be approved for inclusion in the Council's Policy Framework.

### 3. Background

- 3.1 In 2007 CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives) issued "Delivering Good Governance in Local Authorities", a guide to ensuring that local authorities are appropriately governed. This was updated in December 2012.
- 3.2 Governance is defined as the systems and processes, and cultures and values, by which an organisation is directed and controlled and through which it accounts to, engages with and, where appropriate, leads their communities. It is about how Colchester Borough Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner
- 3.3 The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Councillors and Officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal.
- 3.4 Therefore a Local Code of Corporate Governance has been developed to ensure that the Council complies with the principles set out in the CIPFA/SOLACE guidance. The Local Code is reviewed annually, to ensure that the Council is still satisfying the principles, and forms part of the Council's Policy Framework.

- 3.5 The guidance identifies six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. The principles are;
- Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area;
  - Councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
  - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
  - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
  - Developing the capacity and capability of members and officers to be effective; and
  - Engaging with local people and other stakeholders to ensure robust public accountability.
- 3.6 The six core principles each have a number of supporting principles, which in turn have a range of specific requirements that apply across the range of Council business.
- 3.7 The Local Code, and the Council's compliance with the principles, have been reviewed, and attached at Appendix 1 is the updated Local Code of Corporate Governance for 2020/21. This sets out the six principles and elaborates on how the Council is meeting them, what source documents or processes evidence this and in addition highlights any further or ongoing work. This in turn links into the Council's Annual Governance Statement.
- 3.8 The Local Code has been updated to reflect the implementation of the Council's two new panels - Environment & Sustainability and Policy, the engagement with the community via the Digital Access programme, development of virtual training for officers and the Coronavirus response and recovery actions. Otherwise there have been no significant changes to the Local Code following the review, and it is considered still fit for purpose.

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

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

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

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

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

- 6.1 None.





# Code of Corporate Governance 2020/21

A guide to the Council's compliance with the six principles of Corporate Governance.

November 2020

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## THE PRINCIPLES OF CORPORATE GOVERNANCE

- Core Principle 1** *Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area.*
- Core Principle 2** *Members and officers working together to deliver the objectives of the Strategic Plan (the common purpose) with clearly defined functions and roles.*
- Core Principle 3** *Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.*
- Core Principle 4** *Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.*
- Core Principle 5** *Developing the capacity and capability of members and officers to be effective.*
- Core Principle 6** *Engaging with local people and other stakeholders to ensure robust public accountability.*

## CODE OF CORPORATE GOVERNANCE

### INTRODUCTION

***“Governance is about how local government bodies ensure that they are doing the right things, in the right way for everyone, in a timely, inclusive, open, honest and accountable manner.***

***It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and where appropriate, lead their communities”.***

**Delivering Good Governance in Local Authorities (CIPFA/SOLACE 2007)**

**The CIPFA/SOLACE guidance “Delivering Good Governance in Local Authorities” identified six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. These principles are:**

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

**This Code of Governance has been prepared in accordance with the Guidance and will be reviewed by the Governance and Audit Committee on an annual basis.**

**Additionally authorities are required to prepare and publish an Annual Governance Statement in accordance with this framework under Regulation 4(2) of the Accounts and Audit (Amendment) (England) Regulations 2011. The Annual Governance Statement is a key corporate document. The Chief Executive and the Leader of the Council have joint responsibility as signatories for its accuracy and completeness.**

## PRINCIPLE ONE

### Core Principle 1 – Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area

#### Our aims in relation to focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area are to:

- 1.1 Exercise strategic leadership by developing and clearly communicating the authority's purpose, vision and its intended outcome for citizens and service users
- 1.2 Ensure users receive a high quality service whether directly, or in partnership, or by commissioning
- 1.3 Ensure that the authority makes best use of resources and that tax payers and service users receive excellent value for money

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
1.1.1 Develop and promote the Council's purpose and vision	<p><a href="#">Strategic Plan 2018-21</a> (approved by Full Council February 2018 following consultation and focus groups, with 20 priorities now set out under four new themes) and action plan. This was superseded by the <a href="#">Strategic Plan 2020-23</a> in October 2020, with full-year results against the 2018/19 and 2019/20 action plans <a href="#">here</a>.</p> <p>The Council's commercial programme, including the set-up of three trading subsidiaries – Amphora Trading, Homes and Energy – within the Colchester Commercial (Holdings) Ltd (CCH) holding company.</p> <p>Partnership working with local, regional and national stakeholders.</p> <p>Service Plans.</p> <p>ICT, Communication and Technology Strategy.</p> <p>Council website – <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a>.</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2020-23</a>, approved by Full Council October 2020, including spending priorities.</p> <p>The development of the <a href="#">CCH/Amphora companies</a>, and the implementation of their high-level goals, financial targets and management agreements.</p> <p>Encouraging self-serve and online options to maximise use of resources</p> <p>Council's Research and Change Team review customer demand and feedback,</p>

	<p>Local Research and Statistics data on website. The Constitution and its committees and panels. Core values of ‘customer, business and culture’ with identified attitudes and behaviours Key Performance Indicators (KPIs) reported and published to show achievements against targets The Council’s strategies and policies. <a href="#">Awards and accreditations.</a> Publication Scheme/Transparency Code. The ‘Service Futures’ programme which took a fundamental review of Council services and how they are delivered.</p>	<p>statistics and research to support business improvement.</p> <p>Council website – continuing its development to support the Council’s vision and objectives, including focus on online self-serve options.</p> <p><a href="#">Digital Access Team</a> – external funding secured to help customers get online so they can access self-serve options and information to support themselves and the digital opportunities available if customers use the web.</p>
1.1.2 Review on a regular basis the Council’s vision for the local area and its impact on the authority’s governance arrangements	<p>Strategic Plan and its Action Plan. The Constitution and its committees and panels. Medium Term Financial Strategy and Capital Programme. Local Code of Corporate Governance. Annual Governance Statement and Assurance Framework. Risk Register.</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2020-23</a>, approved by Full Council October 2020, including spending priorities.</p> <p>Local Code of Corporate Governance updated as required by CIPFA Guidance</p> <p>The Policy Panel was introduced in July 2020 to provide legislative, improvement and policy advice to Cabinet and Portfolio Holders on issues that may affect executive functions. The Panel considers issues at the request of Cabinet and Portfolio Holders and must seek approval from Cabinet on whether and how issues</p>

		<p>proactively identified by the Panel are examined.</p> <p>The Environment and Sustainability Panel was also introduced in July 2020, on the same basis as the Policy Panel, but to provide Colchester's response to the climate emergency.</p>
In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
1.1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties	<p>Strategic Plan 2018-21</p> <p>Partners were key contributors in the Peer Challenge</p> <p>Partnership Strategy</p> <p>Council praised by <a href="#">All-Party Parliamentary Group Inquiry into partnership working</a></p> <p>Safer Colchester Partnership – annual plan, website, strategic and operational groups</p> <p>Working with a range of partners to provide customer-facing services.</p>	<p><a href="#">Colchester Ambassadors</a> – key borough businesses and their promotional work.</p> <p>Crime and Disorder Committee examines the work of the Safer Colchester Partnership.</p>
1.1.4 Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance	<p>Strategic Plan actions and monitoring of delivery</p> <p>Statement of Accounts</p> <p>Council's website <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a></p> <p>Awards and accreditations, Performance and Improvement sections of the website</p> <p>Performance Management Board</p> <p>ICT, Communication and Technology Strategy</p> <p>The Council's Forward Plan</p> <p>Publication Scheme/Transparency Code</p> <p>All <a href="#">Annual Reports</a> into one place on the website for improved transparency and open access.</p>	

	An online <a href="#">Datashare</a> 'library' gives access to view and download a range of council databases and information	
1.2.1 Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available	<p>Customer – Portfolio Holder on the Cabinet Performance reporting to Senior Management , Scrutiny Panel and the Cabinet Consultation – “Consultations, Research and Statistics” section on website</p> <p>Mosaic and other customer research tools</p> <p>Annual Monitoring Report</p> <p>External Audit annual audit letter and recommendations</p> <p>Local Government and Social Care Ombudsman – Annual Review Letter</p> <p>Review of Complaints Procedure (to Committee October 2018)</p>	<p>Research and Change Team review customer demand and feedback, statistics and research to encourage services to make informed choices based on fact, and support process improvement work council-wide.</p> <p>‘Customer’ strand of the Council’s <a href="#">Customer Service Standard</a>.</p> <p>‘Customers and Partnerships’ strand of Senior Management Team meetings – this meeting aims to ensure we are focused on our customers and looking for partnership opportunities.</p> <p>Feedback tab on webpages</p> <p><u>‘Help us get it right’</u> options for customers</p>



In order to achieve our aims we have/will:	Source documents/processes	Further work ongoing
1.2.2 Put in place effective arrangements to identify and deal with failure in service delivery	Performance reporting and performance indicators Complaints Procedure Internal Audit Process and annual work programme Chief Operating Officer Performance Management Board External Auditor's annual audit letter and recommendations The Constitution, its committees and panels Risk Management Strategy Ethical Governance Policies Annual Governance Statement Action Plan Review of Complaints Procedure	Performance Management Board addresses and manages performance and financial issues and meets monthly. Preparation for Budget Group is also managed here.  <u>'Help us get it right'</u> options for customers
1.3.1 Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.	Performance Reporting Performance Management Board Environmental Sustainability Strategy/Actions External Auditor's annual audit letter and recommendations Statement of Accounts Annual Treasury Strategy Statement Parking Partnership annual report Report templates – financial considerations Monitoring of commercial performance Publication Scheme/Transparency Code Sustainability assessments for Local Plan	Building a sustainable commercial services arm for the Council – CCHL/Amphora trading companies.  The Council has declared a Climate Emergency and has established an Environment and Sustainability Committee. This is an advisory Panel to Cabinet looking at how the Council should respond to the climate emergency.

		All Council decision making reports require an assessment of the environmental and sustainability implications of the decision.
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## PRINCIPLE TWO

**Members and officers working together to deliver the objectives of the Strategic Plan (the common purpose) with clearly defined functions and roles.**

**Our aims in relation to Members and Officers working together to achieve a common purpose with clearly defined functions and roles are to:**

- 2.1 Ensure effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function
- 2.2 Ensure that a constructive working relationship exists between authority members and officers and the responsibilities of members and officers are carried out to a high standard
- 2.3 Ensure relationships between the authority, its partners and the public are clear so that each knows what to expect of the other

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.1.1 Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice	Constitution (Cabinet terms of reference) Record of decisions and supporting materials Member/Officer Protocol Member Training and Development Senior officer training Member role profiles Committee and Councillor area on the Council website Publication Scheme/Transparency Code	The Constitution will continue to be reviewed on a rolling basis.
2.1.2 Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers	Constitution (Statutory Officer positions, Terms of Reference for Committees, Member roles) Protocols on planning, the representational role of Members, Chairmen, Officer/Members Schemes of Delegation Terms and Conditions of Employment Member role profiles	.

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 1:2:1s	The Constitution will continue to be reviewed on a rolling basis.  The development of the CCHL/Amphora companies, and the implementation of their high-level goals, financial targets and management agreements.
2.2.4 Make a senior officer (usually the section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control	Strategic Finance Manager is the Council's Chief Financial Officer (S151 Officer). Constitution Job Accountability Statement / Person Specification S151 Officer Protocol Report template includes financial implications before report considered by Members Officer Pay Policy agreed by Full Council	

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 Job Accountability Statement / Person Specification Report template requires that Legal Services are consulted before a report is considered by Members	
2.3.1 Develop protocols to ensure effective communication between members and officers in their respective roles	Member / Officer Protocol Planning Procedures Code of Practice Outside Bodies advice given to Members Member and Officer Codes of Conduct	Portfolio Holder briefings
2.3.2 Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process including an effective remuneration panel (if applicable)	Pay and conditions policies and practices Independent Remuneration Panel Terms of Reference and Reports Regular liaison meeting with Unison Officer Pay Policy agreed by Full Council	
2.3.3 Ensure that effective mechanisms exist to monitor service delivery	Performance reporting and performance indicators Complaints Procedure Assistant Directors monitoring Service Plans Performance Management Board Performance management system Scrutiny Panel Annual Governance Statements for the Council, Colchester and Ipswich Museums Service and North Essex Parking Partnership Publication Scheme/Transparency Code Datashare	Customers and Partnerships' strand of Senior Management Team meetings  Customer insight work

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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 ICT, Communication and Technology Strategy News releases, e-newsletters and social media Customer insight groups Service Reviews	Policy Panel set up to provide legislative, improvement and policy advice to Cabinet and Portfolio Holders on issues that may affect executive functions.  Environment and Sustainability Panel set up on the same basis as the Policy Panel, but to provide Colchester's response to the climate emergency.  Cabinet identifying and resourcing new strategic priorities.
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	Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny
2.3.6 When working in partnership: <ul style="list-style-type: none"> <li>ensure that there is clarity about the legal status of the partnership</li> <li>ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.</li> </ul>	Constitution Individual Partnership Agreements Service Level Agreements Advice given to Members in relation to outside bodies Partnership Strategy Monitoring Officer role and protocol	Customers and Partnerships' strand of Senior Management Team meetings

## PRINCIPLE THREE

### Core Principle 3 – Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

#### Our aims in relation to promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour are to:

- 3.1 Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance
- 3.2 Ensuring that organisational values are put into practice and are effective

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.1.1 Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect	Constitution Chief Executive's and Leader's blog on intranet Performance reporting Governance and Audit Committee has an overall view of conduct issues established by its terms of reference Member and Officer Codes of Conduct Member/Officer Protocol Whistleblowing Policy Anti-Fraud and Corruption Policy Freedom of Information Policy statement and publication scheme Monitoring Officer and S151 Officer Protocols Localism Act Member conduct regime Annual review of Ethical Governance policies Peer Challenge	Staff survey and taking action on its findings Leadership Development Programme led by Executive Management Team Social media, including Yammer Regular staff news bulletins by email Information and videos on intranet Employee Assistance Programme Staff Wellbeing Champions and Mental Health First Aiders

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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 Portfolio Holder monthly sessions with senior officers "Corporate Governance" section on the Council's website bringing all relevant information together under one heading Datashare	
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 Officer training on Member/ officer relationship Whistleblowing Policy Information and Communication Technology (ICT) Security Policy Safeguarding Policy Intranet Annual review of Ethical Governance policies Review of Complaints Procedure	Embedding the Council's core values of 'customer, business and culture' with identified attitudes and behaviours.  The Job Accountability Statement/Person Specification template highlights the core values to applicants, and the staff appraisal scheme makes how you conduct yourself against the values, attitudes and behaviours to be equally important to achieving the SMART objectives that apply to the role.



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 Job Accountability Statements include whether or not a role is politically restricted	Response to consultation on revised Member Code of Conduct.
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 (existing) and <a href="#">2020 update</a>  Embedding the Council's core values of 'customer, business and culture' with identified attitudes and behaviours
3.2.2 Put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	Contract Procedure Rules Ethical Governance Policies Member and Officer Codes of Conduct Monitoring of the above takes place by the Governance and Audit Committee ICT Security Policy Annual reporting to Governance and Audit Committee	

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 and Audit Committee Agenda and Minutes Terms of Reference Regular meetings Member training on Code of Conduct Work programme	Annual review of the Localism Act arrangements by the Governance and Audit Committee.
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 Council's core values of 'customer, business and culture' with identified 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 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	<p>Scrutiny is supported by robust evidence and data analysis</p> <p>Agenda and Minutes</p> <p>Scrutiny Panel Work programme</p> <p>Successful outcome of reviews</p> <p>Ownership of work programme</p> <p>Training for scrutiny chairman and members</p> <p>Scrutiny of partners and joint projects</p>	<p>Scrutiny Panel has continued to meet remotely during the course of the Covid 19 pandemic.</p> <p>Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny</p> <p>Specialised training provided to Scrutiny members on the scrutiny of commercial companies and treasury management</p>
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	<p>The Constitution, its committees and panels</p> <p>Decision making protocols</p> <p>Record of decisions and supporting materials</p> <p>Report template</p> <p>Decision list published (members)</p> <p>Live streaming of meetings via YouTube</p>	<p>Decision making meetings have been held remotely and have continued through the Covid 19 pandemic. Meetings have been live streamed through YouTube leading to greater public engagement.</p>

	Website	<p>The Policy Panel has been set up to provide legislative, improvement and policy advice to Cabinet and Portfolio Holders on issues that may affect executive functions.</p> <p>The Environment and Sustainability Panel was also introduced in July 2020, on the same basis as the Policy Panel, but to provide Colchester's response to the climate emergency.</p>
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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	<p>Member and Officer Codes of Conduct</p> <p>Member and Officer Registers of Interests</p> <p>Declaration of Interests at meetings</p> <p>Code of Conduct guidance and training provided to Members and Officers</p> <p>Planning procedures Code of Practice</p> <p>Governance and Audit Committee (responsibility) and Monitoring Officer (reports)</p> <p>Politically restricted posts</p> <p>Ethical Governance Policies, and annual review</p> <p>Secondary Employment Policy</p>	
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	<p>Audit issues within remit of Governance and Audit Committee</p> <p>Member Development Programme</p> <p>Agenda and Minutes</p> <p>The Constitution</p>	Continue to review Member training programme with specific reference to audit and governance

4.1.5 Put in place effective transparent and accessible arrangements for dealing with complaints	Complaints procedure " <a href="#">Help us get it right</a> " on website with full details Annual letter from Local Government and Social Care Ombudsman Customer insight work Social media Review of Complaints Procedure	
4.2.1 Ensure that those making decisions whether for the authority or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications	Council's Website Report templates dealing with key aspects Report by Assistant Director with necessary technical expertise included Training and professional development Equality Impact Assessments Clear and well understood decision-making processes with published timelines Publication Scheme and Transparency Code Datashare	Projects carried out by the Council's Research and Change Team  Customer insight work  Introduction of a requirement that all decision making reports must address the environmental and sustainability implications of the decision.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.2.2 Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately	Report template requires that consultation is undertaken with legal and financial functions before report considered by Members Record of decision making and supporting materials S151 and Monitoring Officer Protocols Equality Impact Assessments Clear and well understood decision making processes with published timelines.	Business Partners for Corporate and Improvement Services, including legal and financial matters
4.3.1 Ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognising that risk management is part of their job	Risk Management Strategy - Policy Framework Corporate Risk Manager Corporate/service planning Cabinet Member with accountability for risk management Half-yearly reporting to Governance and Audit Committee Performance Management Board quarterly risk review Risk Registers- Strategic, Operational and Project Risk and Control self-assessment completed by all managers Training for Members and Officers Intranet area for Risk Management Corporate Governance Team, bringing together the co-ordination of governance processes.	Embedding of risk management processes into projects, with a review of what constitutes a significant project  Integrating operational, strategic and project risks into the risk reporting process to senior management
In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.4.1 Actively recognise the limits of lawful activity placed on them by, for example the	Constitution Monitoring Officer	

ultra vires doctrine but also strive to utilise powers to the full benefit of their communities	Report templates Equality Impact Assessments Equality Objectives	
4.4.2 Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law	Availability of professional legal advice Knowledge of current and forthcoming legislation and regulations Monitoring Officer Protocol S151 Officer Protocol Report templates Constitution Equality Impact Assessments Equality Objectives Training and Policy updates	Business Partners for Corporate and Improvement Services, including legal and financial matters
4.4.3 Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice into their procedures and decision making processes	Availability of professional legal advice Knowledge of current and forthcoming legislation and regulations Monitoring Officer Protocol S151 Officer Protocol Procedure Rules Report template Constitution Format for quasi-judicial committees “Have Your Say” processes Planning Procedure Code of Practice Equality Impact Assessments Equality Objectives Datashare	Business Partners for Corporate and Improvement Services, including legal and financial matters

## PRINCIPLE FIVE

### Core Principle 5 – Developing the capacity and capability of Members and Officers to be effective

#### Our aims in relation to developing the capacity and capability of Members and Officers to be effective are:

- 5.1 Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles
- 5.2 Developing the capability of people with governance responsibilities and evaluating their performance as an individual and as a group
- 5.3 Encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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 Performance reviews for officers People Strategy Personal Development Plans Learning and Development Strategy Charter Status for Elected Member Development renewed July 2018 (re-assessed every 3 years)	Member skills development  Intranet section with e-induction options and information for new starters.  Learning and Development section on the intranet is now a 'one stop shop' for staff e-learning – from induction to essential skills and wellbeing – with new section offering free webinars/resources.  Commitment to seek reaccreditation of Member Charter Status in summer 2021
5.1.2 Ensure that the statutory officers have the skills, resources and support necessary	Appraisals and regular 1 to 1 sessions Personal Development Plans	



to perform effectively in their roles and that these roles are properly understood throughout the organisation	Training and development Recruitment and Induction Monitoring Officer and S151 Officer Protocols Employee Policies Learning and Development Strategy/Annual Learning and Development Plan Talent Management/Career Track for staff Future Leader programme	
<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
5.2.1 Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively	Performance reviews for officers SMART objectives Personal Development Plans for officers Member training and development People Strategy Learning and Development Strategy/Annual Learning and Development Plan Charter Status for Elected Member Development renewed July 2018 (re-assessed every 3 years) Talent Management/Career Track for staff – Senior Management Team considers critical roles; moderate career track paths; confirm Future Leader or Future Potential assessments; and then consider those on the Future Leader career track and manage their development	Member skills development  Specialised training provided to Scrutiny members on the scrutiny of commercial companies and treasury management  Commitment to seek reaccreditation of Member Charter Status in summer 2021
5.2.2 Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed	Performance reviews for officers Personal Development Plans for officers Member training and development Member scrutiny training People Strategy Colchester Learning Managers	Member skills development  Learning and Development – commercial and Office365 skills  Specialised training provided to Scrutiny members on the scrutiny of commercial companies and treasury management

	Vine HR and East of England Local Government Association – meetings, best practice and briefings Peer Challenge and action plan Charter Status for Elected Member Development renewed July 2018 (re-assessed every 3 years) Talent Management/Career Track for staff	Commitment to seek reaccreditation of Member Charter Status in summer 2021
5.2.3 Ensure that effective arrangements are in place for reviewing the performance of the authority as a whole and of individual members and agreeing an action plan which might for example aim to address any training or development needs	Performance reporting and indicators Performance and Improvement Framework Performance management and appraisals – staff SMART objectives People Strategy Peer Challenge and action plan Annual Audit Letter Members' Training Needs Analysis Annual Training Plan Local Government Ombudsman Annual Letter	Commitment to seek reaccreditation of Member Charter Status in summer 2021
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 Community Enabling Strategy Public meetings Equality Objectives Strategic Plan Consultation Local Development Framework consultation Community development work Consultations Customer insight work	Apprenticeship scheme, and encouraging the Council's apprentices to take part in elections work  Locality Budgets  Use of social media  Maintaining the Council's commitment to paying the Living Wage as a minimum for its staff including, for example, those helping to support the Council's elections work at polling stations

	<p>Research and Change Team projects Have Your Say! processes Appointment of Independent Persons Audio streaming of Council meetings</p> <p>The adoption of on-line committee meetings has enabled greater participation from all sections of the community. The viewing figure demonstrate greater public participation than the previous audio recordings. A public consultation provided responses that demonstrated overwhelming support for on-line meetings.</p>	<p>Establishment of Policy Panel and Environment and Sustainability Policy Panel from July 2020 and its work programme.</p> <p>Further review of on-line committee meetings in the future and the development of hybrid meetings.</p>
5.3.2 Ensure that career structures are in place for Members and Officers to encourage participation and development	<p>People Strategy Internal Recruitment Process Internal Secondments Personal Development Plans for officers Personal Development Plans for members Talent Management/Career Track for staff Future Leader Programme Member skills development Staff structure charts</p>	<p>Staff Recognition Scheme – first virtual celebration event held September 2020</p> <p>Opportunities such as the District Council Staff Development Programme and the Local Authority Challenge as they arise</p> <p>Commitment to LGA Leadership Academy</p>

## 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 work ICT, Communication and Technology Strategy Asset Management Strategy Datashare section on the Council's website brings together all information required under statutory codes such as the 'Local Government Transparency Code' and the Publication Scheme to make this easily accessible <a href="#">Structure charts</a> for senior management	A wide range of information is brought together into one searchable website - <a href="http://www.data.gov.uk">www.data.gov.uk</a> – much of this can be downloaded / shows year-on-year data – looking at IT and access improvements.  Locality Budgets for councillors have been brought in with clearer guidelines and all spend/activity transparently available on the Council's website.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.1.2 Consider those institutional stakeholders to whom they are accountable and assess the effectiveness of the relationships and any changes required	Stakeholder identification Statutory provisions Stakeholder surveys Consultation Strategy ICT, Communication and Technology Strategy Partnership Strategy 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.
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	ICT, Communication and Technology Strategy News releases, e-newsletters and social media Websites for the Council and subsidiaries Equality Impact Assessments Safeguarding Policies Datashare, Freedom of Information and Data Protection section of the website Recordings of meetings on the website	<a href="#">Coronavirus</a> resources set up March 2020 - have provided a source of latest updates, information, advice and support.  The Council's <a href="#">Digital Access Team</a> has a range of activities and actions to support the community with online communication and service access.  Social media and text messaging  Customer and demand projects
6.2.2 Hold meetings in public unless there are good reasons for confidentiality	Constitution Access to Information Rules Compliance with Localism Act access to information regulations Audio streaming of Council meetings	Decision making meetings have been held remotely and have continued through the Covid 19 pandemic. Meetings have been live streamed through YouTube leading to greater public engagement.

6.2.3 Ensure arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands	Strategic Plan Website - "Consultations, Research and Statistics" section Consultation work ICT, Communication and Technology Strategy Community development work Equality Objectives/Equality Impact Assessments Budget Consultation Meeting	Holding <a href="#">public consultations</a> on key issues to encourage different sections with differing views to take part
<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
6.2.4 Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result	Statement of Community Involvement Customer insight project team and its work Partnership framework ICT, Communication and Technology Strategy Consultation Strategy Budget Consultation - meeting and online Strategic Plan consultation Website - "Consultations, Research and Statistics" section Cabinet and Council – progress of questions raised by the public	Policy Panel review of results and data collected in recent surveys and consultations with a view to exploring these in more depth at future meetings as part of the Panel's forward plan
6.2.5 On an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period	Statement of Accounts Strategic Plan Strategic Plan Action Plan – progress is reported to Scrutiny and Cabinet on a half-yearly basis Performance Reporting and Indicators Council website has "Performance and Improvement", "Council Awards and Achievements" and "Council and Democracy" sections Publication Scheme and Transparency Code All annual reports into one central place on the Council's website for improved transparency	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.2.6 Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so	Constitution Customer service standards Voluntary Sector Compact “Have Your Say” at meetings Freedom of Information Act Publication Scheme Member and Officer Codes of Conduct Ethical Governance Policies Monitoring Officer Protocol ICT, Communication and Technology Strategy Data Protection Policy ICT Security Policy Council website Datashare, Freedom of Information and Data Protection section of the website National Fraud Initiative - Fair Processing Notice Egress Switch Secure Email Encryption Publication Scheme and Transparency Code Live Streaming of Council meetings Working with a range of partners to provide customer-facing services.	Security checks on staff who process official/sensitive information using the Public Sector Network or who need a secure GCSX e-mail address
6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making	Investors in People Facilities and Recognition Agreement with UNISON – including monthly meetings. Internal Communications Strategy Service Reviews and other operational reviews include consultation and involvement arrangements as part of the process/staff communications	Staff survey and taking action on its findings  Staff involvement – new engagement group being established  Investors in People – reaccredited for three years to 2021

