

Standards Committee

Grand Jury Room, Town Hall
27 November 2009 at 2.00pm

The Standards Committee deals with
the local code of conduct for councillors and
complaints against individual councillors.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk.

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call, and we will try to provide a reading service, translation or other formats you may need.

Facilities

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**COLCHESTER BOROUGH COUNCIL
STANDARDS COMMITTEE
27 November 2009 at 2:00pm**

Members

**Independent
Members**

Mr Derek Coe (Chairman)
Mr Peter Fitton (Deputy Chairman)
Mr Ian Andrews
Mr Sven Farmer
Mr Steven Roberts-Mee

**Parish
Representatives**

Mr Malcolm Bartier
Mrs Gillian Brown
Ms Vivienne Eden

Councillors

Councillor Nigel Chapman
Councillor Ray Gamble
Councillor Sonia Lewis

AGENDA - Part A

(open to the public including the media)

Members of the Public may wish to note that Agenda items 1 to 4 are normally brief

Pages

1. Welcome and Announcements

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

2. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for

the urgency.

3. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

4. Minutes

1 - 2

To confirm as a correct record the minutes of the meeting held on 11 September 2009.

5. Review of Local Assessment of Complaints Against Members

3 - 18

See report by the Monitoring Officer

6. Review of Ethical Framework

19 - 79

See report by the Monitoring Officer

7. Revised Anti-Fraud and Corruption Policy

80 - 105

See report by the Head of Resource Management

8. Exclusion of the Public

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).

STANDARDS COMMITTEE

11 SEPTEMBER 2009

Present :- Mr S. Farmer (Independent Member) Chairman
Mr Andrews (Independent Member)
Mrs Brown (Parish Council Representative)
Councillor Chapman
Ms Eden (Parish Council Representative)
Councillor Lewis
Mr Roberts-Mee (Independent Member)

9. Election of Chairman for the meeting

RESOLVED that Sven Farmer be elected Chairman for the meeting in the absence of the Chairman and Deputy Chairman.

10. Minutes

The minutes of the meeting held on 12 June 2009 were confirmed as a correct record subject to paragraph (d) of the resolution of minute 6 being amended to read:-

“(d) The Monitoring Officer to offer to provide advice to all Members appointed to serve on outside bodies on their responsibilities.”

and the fifth paragraph of minute 7 being amended to read:-

“In response to queries from the Committee it was confirmed that the whilst a member could rely on a dispensation for a period of four years, the actual circumstances in which it could be relied upon could be defined very tightly by the Committee when it granted the dispensation.”

11. Local Government Ombudsman - Annual Review 2008/2009

The Monitoring Officer presented a report about the Local Government Ombudsman's Annual Review for 2008/2009.

The Committee noted that due to a change in the way the Ombudsman handled complaints it was not possible to undertake a comparative exercise with previous years' figures. However, the Committee was pleased to note that no findings of maladministration had been made against the Council and no formal reports had been issued. There had been a slight increase in the amount of compensation paid out. Lessons had been learnt by the service areas where compensation had been paid.

It was noted that the average response time taken to respond to Ombudsman enquiries was longer than the target time. Officers were working with the Ombudsman's office and the relevant service areas to address this. In addition the increased use of e-mail by the Ombudsman's office should also help to reduce the time taken to respond.

RESOLVED that the contents of the Local Government Ombudsman's Annual Review for 2008/2009 be noted.

12. Review of Training for Members on the Code of Conduct

The Monitoring Officer presented a report with an update of training for members on the Code of Conduct and Local Assessment process.

The Committee noted that the new Code of Conduct had not yet been introduced. It was anticipated that this may be introduced in either November 2009 or May 2010. Once introduced, a new programme of training on the new Code would be delivered. The Committee noted that a session had been arranged to update Borough Councillors on the Code of Conduct and the Local Assessment process and a separate session had been arranged for members of a Parish Council following a recommendation by the Allegations Sub-Committee. Members of the Standards Committee were welcome to attend to these sessions to help reinforce the message.

RESOLVED that the update on training for members on the Code of Conduct and Local Assessment process be noted.

13. Work Programme 2008/09 and 2009/10

The Monitoring Officer presented a report updating the work programme for the Standards Committee for 2009/10. The Committee noted that the work programme for 2008/09 had been completed and that the only items of business which had not been scheduled on the 2009/10 work programme were those where regulations from central government were awaited.

RESOLVED that :-

- (a) the completed work programme for 2008/09 be noted;
- (b) the work programme for 2009/10 be noted.



Standards Committee

Item
5

27 November 2009

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of Local Assessment of Complaints Against Members		
Wards affected	Not applicable		

This report provides the Committee with a review of the local assessment process

1. Decision(s) Required

- 1.1 To note the contents of this report and suggest whether any amendments to the local assessment process are necessary.

2. Introduction

- 2.1 The Committee will recall that since 8 May 2008 the function of making an initial assessment of allegations that members may have breached the members Code of Conduct was transferred from Standards for England to Standards Committees.
- 2.2 The Committee received a series of reports in 2008 which established how the Committee would meet the challenges posed by the new regime. The Committee considered a report at its meeting on 5 December 2008 which contained a review of our experience of the process. This further report brings the Committee up to date.

3. The Local Assessment Process

- 3.1 The Council at its meeting on 14 May 2008 agreed revised terms of reference for the Standards Committee and these are attached at Appendix 1. The Standards Committee subsequently established 3 sub-committees; the Allegations Sub-Committee, the Allegations Appeals Sub-Committee and the Hearings Sub-Committee. The Standards Committee approved each of the Sub-Committees terms of reference and these are attached at Appendix 2.
- 3.2 Standards for England issued guidance and Regulations which the Committee is bound to follow. Our procedures are compliant with both.
- 3.3 The Allegations Sub-Committee comprises one independent member, one parish representative and one Borough councillor. The Allegations Appeals Sub-Committee comprises one independent member, one parish representative and one Borough councillor (none of whom are members of the Allegations Sub-Committee). The Hearings Sub-Committee comprises three independent members and two Borough councillors in relation to Borough council matters and two independent members, two Borough councillors and one parish representative in relation to parish matters.
- 3.4 The Committee also approved Local Assessment Criteria against which all allegations are assessed. This has been used by both the Allegations Sub-Committee and the Allegations Appeals Sub-Committee. The criteria are attached at Appendix 3.

4. Our Experience so far

- 4.1 The following is a summary of our experience of implementing the local assessment process to date.

Allegations Sub-Committee

The Sub-Committee has met on nine occasions. All allegations received were assessed against the Local Assessment criteria.

Allegations	May 2008 – December 2008	Jan 2009 – Nov 2009	Total
No. of allegations received	5	8	13
Borough Councillors	2	5	7 (54%)
Parish Councillors	3	3	6 (46%)

Source of complaints	May 2008 – Dec 2008	Jan 2009 – Nov 2009	Total
Members of the public	3	5	8 (63%)
Borough Councillors	1	0	1 (7%)
Parish Councillors	1	2	3 (23%)
County Councillors	0	1	1 (7%)

- 4.2 The Allegations Sub-Committee has made the following findings:

Findings	May 2008 – Dec 2008	Jan 2009 – Nov 2009	Total
No further action	2	8	10
Referred for investigation	2	0	2
Referred to Standards for England	1	0	1

- 4.4 Monthly meetings of the Allegations Sub-Committee have been included in the municipal diary and are utilised when necessary. This arrangement seems to be working well. Both the Allegations Appeals Sub-Committee and the Hearings Sub-Committee meetings are scheduled as and when necessary.

4.5 Allegations Appeals Sub- Committee

The Sub-Committee has met twice to determine a review request following a finding of no further action by the Allegations Sub-Committee. The Sub-Committee upheld the decision of no further action. At the other meeting the Sub-Committee agreed to refer the review request to the Monitoring Officer for investigation. This is still proceeding but is expected to be reported back to the Sub-Committee shortly.

4.7 Hearings Sub-Committee

The Hearings Sub-Committee has met once in relation to a complaint regarding a Parish Councillor. The Sub-Committee considered the investigating officers report and agreed that there was a finding of failure to follow the Code of Conduct and imposed a 4 week

partial suspension (i.e. from the office of chairman of the Parish Council). The Sub-Committee also made a non binding recommendation of training for the whole of the parish council.

- 4.8 This was the first case that had been dealt with under the local assessment process from start to finish and will be a valuable learning experience for all concerned. We will use this to improve our processes where necessary.

5. Publicity

- 5.1 Publicity is a key part of the Local Assessment process and this reflected both in the legislation and Standards for England guidance.

- 5.2 A press release was issued at the beginning of May 2008 which highlighted the changes to the Local Assessment process. The Autumn 2008 edition of the Courier carried an article on how to make allegations under the Local Assessment process.

- 5.3 The Borough Council's web site has a dedicated page on Standards. This includes details of the Local Assessment process, the Committee, the Annual report and includes a link to an electronic version of the complaint form. This can be found at www.colchester.gov.uk/standards.

- 5.4 In addition there are also links to Parish and Town Councils and Borough Councillors. The Committee is required to keep its publicity arrangements under review however, it appears that the current arrangements are working satisfactorily.

6. Performance Monitoring

- 6.1 The Committee will recall that the Monitoring Officer is required by Standards for England to provide quarterly performance monitoring information on how we are implementing the local assessment process. This is done online. All cases are required to be logged with Standards for England together with key dates and outcomes in the process.

- 6.2 The Regulations do not specify statutory targets however the Standards for England's Guidance recommends 20 working days for the initial assessment of a complaint from the date of its receipt . The Guidance also recommends that any appeals are determined by the Allegations Appeals Sub Committee within three months of a decision by the Allegations Sub Committee of no further action. Any hearings must be completed within three months of a decision by the Allegations Sub Committee that it agrees with a Monitoring Officers finding that a member has breached the code of conduct. The following table confirms our performance to date against these targets.

Allegation No.	Date Received	Allegations Sub - date	20 working day target met?	Allegations Appeals Sub date	3 month target met?	Hearings Sub date	3 month target met?
CBC001.08	10/06/08	04/07/08	✓	05/09/08	✓		
CBC002.08	07/08/08	05/09/08	x				
CBC003.08	10/09/08	03/10/08	✓			30/09/09	x
CBC004.08	27/10/08	14/11/08	✓				
CBC005.08	28/10/08	14/11/08	✓				
CBC001.09	07/01/09	06/02/09	x				
CBC002.09	26/01/09	06/02/09	✓				
CBC003.09	02/06/09	12/06/09	✓				
CBC004.09	15/06/09	10/07/09	✓	17/08/09	✓		
CBC005.09	26/06/09	10/07/09	✓				
CBC006.09	06/07/07	10/07/09	✓				
CBC007.09	05/10/09	22/10/09	✓				
CBC.008.09	05/10/09	22/10/09	✓				

6.3 The Committee will be reassured that we are met the target with the exception of CBC002.08 which was 21 working days and CBC001.09 which was 22 working days.

6.4 Complaint CBC003.08 did not meet its 3 month target from date the date of referral from the receipt of the Investigating Officers report by the Allegations Sub-Committee (15 May 2009) to the date of the Hearings Sub-Committee (30 September 2009). The delay was caused by difficulties in agreeing a suitable date for all parties concerned over the summer months. Steps will be taken to ensure that any further hearings are dealt with more expeditiously.

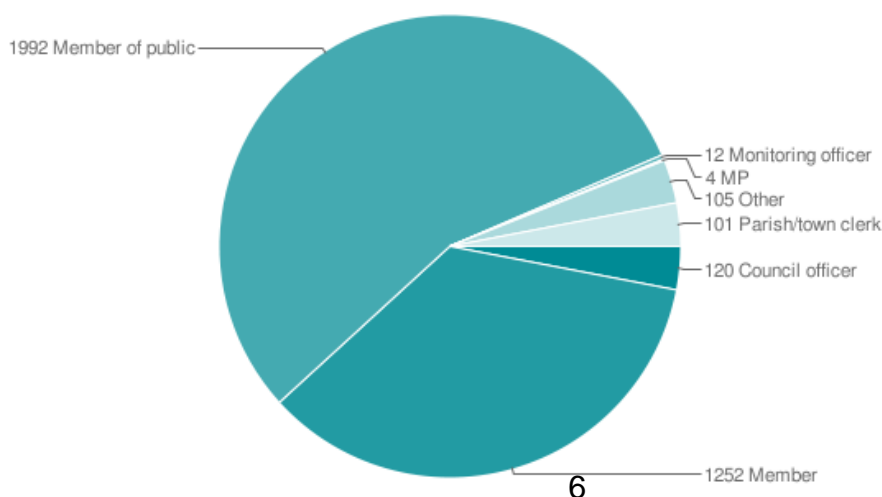
7. National Picture

7.1 Standards for England have published its latest statistics for the period from 8 May 2008 to 30 June 2009 and these are set out below for the Committee's information.

Source of complaint

7.2 The following statistics were compiled from data submitted on quarterly return forms. Monitoring officers have reported a total of 3586 cases received in the period.

The sources of these are broken down as follows:



7.3 The split of cases by authority type is as follows:

Authority types	Number of cases	Average number of cases per authority
County Council	155	5
District Council	2112	9
London Borough	128	4
Metropolitan Council	412	12
Unitary	736	16
Other	15	0

This table does not include 28 complaints from authorities which do not fit into a particular “type” of authority. These are:

- The Greater London Authority (GLA),
- the Broads Authority,
- the London Fire and Emergency Planning Authority
- the Council of the Isles of Scilly

7.4 **Referral decisions**

The following statistics were compiled from data submitted on quarterly return forms, covering the period 8 May 2008 to 30 June 2009.

A decision about whether to refer had not been made on 219 (6%) of cases received during the period. The breakdown of decisions for the other 3367 cases is as follows:

Initial assessments	Number	Percentage (%)
Referred to another authority	10	0
Referred to Standards for England	201	6
Referred to MO for alternative measures	393	12
Referred to MO for investigation	992	29
No further action	1771	53

7.5 **Timeliness of Decisions**

- During the period, the average length of time a case took from date of receipt to referral decision was **21 days**.
- 1104 cases took longer than 20 days for a referral decision to be made (31%)

7.6 Review Requests

- There have been **652** requests for reviews of referral decisions so far. This shows that a review is requested in **37%** of cases where the initial assessment decision is to not refer the complaint any further.
- **563** review requests have been assessed. **30** resulted in the case being referred for investigation (**5%**) and **6** resulted in the case being referred to Standards for England (**1%**).

8. Conclusions

- 8.1 It would appear that the process is working well and Committee members are becoming more comfortable with their new role as we gain experience in operating the new regime. Our Local Assessment Criteria appears to be fit for purpose and we should continue to use it but keep it under review.
- 8.2 An important part of the local assessment process is communication, and all parties are informed as to progress of the allegations. This includes ensuring that Parish/Town Clerks are also informed.
- 8.3 There are currently two allegations which the Allegations Sub-Committee has referred to the Monitoring Officer for investigation. Depending on the findings of the Investigating Officers report we will then have experience of dealing with an allegation from receipt to determination.
- 8.4 The terms of reference for all the Sub-Committees appear to be fit for purpose however should be kept under review in the light of further experience.
- 8.5 Monthly meetings of the Allegations Sub-Committee should continue to be diarised. The Allegations Appeals Sub-Committee and the Hearings Sub-Committee meeting should be called when necessary.
- 8.6 Publicity arrangements in relation to the Local Assessment process have been appropriate to date but need to be kept under review.

9. Standards Committee

- 9.1 Meetings of the Standards Committee will be scheduled in the Municipal Diary for 2010/2011.

10. Strategic Plan References

- 10.1 The arrangements underpin the Council's commitment to quality services and customer excellence.

11. Financial Considerations

- 11.1 None other than the ongoing cost of investigations which have to be borne by the Council.

12. Equality, Diversity and Human Rights Implications

12.1 No specific implications.

13. Publicity Considerations

13.1 These are dealt with above.

14. Consultation Implications

14.1 None.

15. Community Safety Implications

15.1 None

16. Health and Safety Implications

16.1 None

17. Risk Management Implications

17.1 None.

Colchester Borough Council Standards Committee Terms of Reference
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1. To promote and maintain high ethical standards of conduct for elected and co-opted Members.
2. To help elected and co-opted Members to observe the Members' Code of Conduct.
3. To give the Council advice on adoption or revision of the Members' Code of Conduct and on informal codes/protocols covering matters such as planning and Member/officer relations.
4. To monitor the effectiveness of the Members' Code of Conduct.
5. To train or arrange training for elected and co-opted Members on matters relating to the Members' Code of Conduct.
6. To assess and review complaints that elected and co-opted Members have breached the Members' Code of Conduct and in connection with this function:
 - 6.1 To develop and adopt:
 - (a) Assessment Criteria for dealing with complaints;
 - (b) Policies for dealing with vexatious, persistent and anonymous complaints and requests by complainants for confidentiality;
 - (c) Arrangements for dealing with complaints and publicising the arrangements;
 - (d) Procedures for dealing with local investigations and
 - (e) Such other provisions and procedures as may be required.
 - 6.2 To establish and maintain the following 2 sub-committees each with their own terms of reference:
 - An Allegations Sub-Committee
 - An Allegations Appeal Sub-Committee
7. To conduct Hearings and make determinations in respect of complaints that elected and co-opted Members have breached the Members' Code of Conduct in accordance with relevant statutory requirements and guidance issued by the Standards Board for England and in connection with this function:
 - 7.1 To develop and adopt procedures for dealing with such Hearings; and
 - 7.2 To establish and maintain a Hearings Sub-Committee with its own terms of reference.
8. To grant dispensations to elected and co-opted Members with prejudicial interests.
9. To grant exemptions from politically restricted posts.
10. To maintain an overview of the Council's arrangements for dealing with complaints and Local Government Ombudsman investigations.

Colchester Borough Council
Standards Committee Terms of Reference

11. To undertake the functions set out at 1. to 8. above in respect of all Parish and Town Councils wholly or mainly within the Borough of Colchester and the members of those Parish or Town Councils.

**Colchester Borough Council
Standards Committee
Allegations Sub-Committee Terms of Reference**

1. Terms of Reference

- (a) The Allegations Sub-Committee is established to receive allegations that a member of the Authority (including a member of a town or parish council situated within the Borough of Colchester) has failed, or may have failed, to comply with the Authority's Code of Conduct.
- (b) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
- (i) refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - (ii) refer the allegation to the Standards Board for England;
 - (iii) decide that no action should be taken in respect of the allegation; or
 - (iv) where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;
- and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.
- (c) Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
- (i) it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - (ii) the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - (iii) the matter should be referred to the Adjudication Panel for determination.
- (d) Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 1(c) above, the Sub-Committee shall state its reasons for that decision.
- (e) Where the Sub-Committee resolves that no action should be taken and the Councillor concerned is a member of a Town or Parish Council it shall inform their Town and parish council of its decision.

Colchester Borough Council
Standards Committee
Allegations Sub-Committee Terms of Reference

- (f) The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- (g) The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

2. Composition of the Allegations Sub-Committee

The Allegations Sub-Committee shall comprise three members, of whom one shall be an independent member of the Standards Committee who shall chair the Sub-Committee, one elected member of the Authority and one Parish representative. The membership shall be rotated from the membership of the Standards Committee.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be three members, with an independent member as Chairman, one elected member of the Council and one Parish representative.

4. Frequency of Meetings

The Sub-Committee shall only meet where one or more allegations has been received which require to be assessed at that meeting.

Colchester Borough Council
Standards Committee
Allegations Appeals Sub-Committee Terms of Reference

1. Terms of Reference

- (a) The Allegations Appeals Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority (including a member of a town or parish council situated within the Borough of Colchester) has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Allegations Sub-Committee that no action be taken in respect of that allegation.
- (b) Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Allegations Sub-Committee and shall then do one of the following:
 - (i) refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - (ii) refer the allegation to the Standards Board for England;
 - (iii) decide that no action should be taken in respect of the allegation; or
 - (iv) where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- (c) Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.
- (d) Where the Sub-Committee resolves that no action should be taken and the Councillor concerned is a member of a Town or Parish Council it shall inform their Town or Parish Council of its decision.

2. Composition of the Allegations Appeals Sub-Committee

The Allegations Appeals Sub-Committee shall comprise three members, of whom one shall be an Independent member of the Standards Committee who shall chair the Sub-Committee. One shall be an elected member of the Council and the other a Parish representative. The members shall be rotated from the members of the Standards Committee provided that the members shall not have been involved in the initial assessment of a complaint by the Allegations Sub-Committee.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be three members, with an independent member as Chairman, one elected member of the Council and one Parish representative.

Colchester Borough Council
Standards Committee
Allegations Appeals Sub-Committee Terms of Reference

4. Frequency of Meetings

The Allegations Appeals Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Allegations Sub-Committee within three months of the receipt of the request for such a review from the person who made the allegation.

Colchester Borough Council
Standards Committee
Hearings Sub-Committee Terms of Reference

1. Terms of Reference

To conduct Hearings and make determinations in respect of complaints that elected and co-opted Members have breached the Members' Code of Conduct in accordance with relevant statutory requirements and Guidance issued by Standards will for England

2. Composition of the Hearings Sub-Committee

The Hearings sub-Committee shall comprise five members.

- In respect of hearings into complaints against Colchester Borough Councillors, the Sub-Committee shall comprise two Borough Councillors and three members drawn from the Independent Members on the Standards Committee, all members to be selected in rotation on the basis of availability;
- In respect of hearings into complaints against Parish or Town Councillors, the Sub-Committee shall comprise two Borough Councillors and two members drawn from the Independent Members and one Parish representative, all members to be selected in rotation on the basis of availability.

The members shall be rotated from the members of the Standards Committee provided that the members shall not have been involved in the initial assessment of a complaint by the Allegations Sub-Committee or a review by the Allegations Appeals Sub-Committee.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be three members who must be present for the duration of the meeting. At least one Independent member must be present in order to act as Chairman At least one elected member of the Council must be present when the matter relates to a Colchester Borough Council member. At least one Parish representative must be present when the matter relates to a Town or Parish Council member.

4. Frequency of Meetings

The Hearings Sub-Committee shall meet as and when required within three months following a decision by the Allegations Sub-Committee that it agrees with a Monitoring Officers finding that a member has breached the code of conduct.

<p style="text-align: center;">Colchester Borough Council Standards Committee Local Assessment Criteria</p>
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The following criteria shall be followed by the Allegations Sub-Committee and the Allegations Appeals Sub-Committee when considering allegations that a member of Colchester Borough Council or member of any Town or Parish Council situated within the Borough of Colchester has failed to follow the Members Code of Conduct:

A. If an allegation discloses a potential breach of the Code of Conduct then the Allegations Sub-Committee will consider what action to take using the following criteria and Standards for England's Guidance:

1. Is there prima facie evidence of a breach of the Code?
2. Is it serious enough to warrant a sanction?
3. Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and are there no other avenues left to deal with it except investigation?
4. In considering the case the Sub-Committee will take into account the time that has passed since the alleged conduct occurred.
5. Would an investigation serve a useful purpose?
6. Is the case suitable for local investigation?
7. Is this a case where alternative action such as training or mediation would be more appropriate?
8. Would an apology be appropriate?
9. It is malicious, relatively minor or tit for tat?
10. The same, or substantially similar, complaint has already been the subject of an investigation or inquiry and there is nothing further to be gained by seeking the sanctions available to the Adjudication Panel or the Standards Committee.
11. The complaint concerns acts carried out in the Member's private life, when he/she are not carrying out the work of the authority or have not misused their position as a Member.
12. It appears that the complaint is really about dissatisfaction with a council decision.
13. There is not enough information currently available to justify a decision to refer the matter for investigation.

**Colchester Borough Council
Standards Committee
Local Assessment Criteria**

B. Circumstances when the Allegations Sub-Committee will refer a complaint to Standards for England:

1. Complaints concerning the Leadership of the Council or in some cases the opposition.
2. Complaints from the Chief Executive and Monitoring Officer.
3. Instances where a large number of key people are conflicted out
4. There is a risk of successful judicial review for any other reason.
5. Instances where there has been national attention, or where the Standards Committee feels that the matter turns on an important point of interpretation of the Code (a test case).

C. Allegations Appeals Sub-Committee

1. All appeals considered by the Sub-Committee shall be carried out in accordance with the above criteria.
2. The Sub-Committee shall decide whether the original decision of the Allegations Sub-Committee is either upheld or overturned.

(NB. if there is any conflict between the Standards Board for England's Guidance and these criteria then Standards for England's Guidance shall prevail)

November 2009

27 November 2009

Report of	Monitoring Officer	Author	Andrew Weavers
Title	Review of Ethical Framework		☎ 282213
Wards affected	Not applicable		

**This report recommends that the Committee
approves a revised Ethical Framework**

1. Decision(s) Required

1.1 To comment on and approve the Council's Ethical Framework.

2. Background

2.1 Part of the Councils' Constitution comprises the Ethical Framework. This comprises key documents and protocols which form the backbone of good ethical governance of the Council. The Ethical Framework also has a key part in ensuring good corporate governance. The Ethical Framework comprises:

- Members' Code of Conduct
- Planning Procedures Code of Practice
- Protocol on Member/Officer Relations
- Media Protocol
- Monitoring Officer Protocol
- Chief Finance Officer Protocol
- Resources Protocol
- Whistblowing Policy
- Gifts and Hospitality – Guidance to Members

3. The Ethical Framework

Members' Code of Conduct

3.1 This was approved by the Committee on 27 April 2007 and follows the publication of the Model Code of Conduct for Members in 2007 (SI 1157 of 2007). The Borough Council subsequently formally adopted the Code of Conduct at its meeting on 16 May 2007. The Code of Conduct has been the subject of a consultation by the Department of Communities and Local Government's on Orders and Regulations Relating to the Conduct of Local Authority Members in England. The Committee considered and agreed its response to this at its meeting on 4 February 2008. A revised Code of Conduct is expected next year and the Committee will need to meet to formally recommend its adoption.

Planning Procedures Code of Practice

3.2 This was approved by the Planning Committee at its meeting on 2 October 2008 and follows current best practice and guidance. The Code of Practice gives reassurance in the manner in which planning applications are dealt with by Members and officers. Accordingly

the Code of Practice is fit for purpose but should be reviewed again in due course by the Planning Committee.

Protocol on Member/Officer Relations

- 3.3 This protocol was recommended to be included as part of the Council's constitution when Executive arrangements were adopted in 2000. This protocol has been regularly updated following changes to named individuals responsibilities and also structural changes within the organisation. Accordingly the protocol remains fit for purpose but should be kept under review by the Monitoring Officer.

Media Protocol

- 3.4 The Media Protocol was been reviewed by the Council's Communications Manager in June 2009 and reflects the organisation's current media working arrangements. Accordingly the protocol remains fit for purpose but should be kept under review by the Communications Manager.

Monitoring Officer Protocol

- 3.5 As part of the adoption of Executive arrangements in 2000 statutory guidance was issued by the Secretary of State which recommended that all Council Constitutions included a Monitoring Officer Protocol in order to formalise the Authorities arrangements to enable the Monitoring Officer to perform his or her statutory duties. The opportunity has been taken to update the Protocol by including the new name of Standards for England. The protocol remains fit for purpose but should be kept under review by the Monitoring Officer.

Chief Finance Officer Protocol

- 3.6 As part of the adoption of Executive arrangements in 2000 statutory guidance was issued by the Secretary of State which recommended that all Council Constitutions included a Chief Finance Officer Protocol in order to formalise the Authorities arrangements to enable the Monitoring Officer to perform his or her statutory duties. The opportunity has been taken to update the Protocol by referring to the Audit Commission. The protocol remains fit for purpose but should be kept under review by the Head of Resource Management who is appointed as the Council's Chief Finance Officer.

Resources Protocol

- 3.7 As part of the adoption of Executive arrangements in 2000 statutory guidance was issued by the Secretary of State which recommended that all Council Constitutions included a Resources Protocol which clearly set out the resources of the authority that were available to Councillors. The opportunity has been taken to update this reflect organisational changes. The protocol remains fit for purpose but should be kept under review by the Monitoring Officer.

Whistleblowing Policy

- 3.8 The policy was approved by the Committee at its meeting on 6 March 2009 and was subsequently adopted by full council at its meeting on 22 April 2009. The policy should be kept under review by the Monitoring Officer.

Gifts and Hospitality – Guidance to Members

- 3.9 The guidance was approved by the Committee at its meeting on 12 June 2009. The guidance should be kept under review by the Monitoring Officer.

4. Strategic Plan References

- 4.1 The standards regime forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

5. Financial Considerations

- 5.1 None.

6. Equality, Diversity and Human Rights Implications

- 6.1 No particular implications.

7. Publicity Considerations

- 7.1 The Ethical Framework forms part of the Council's Constitution which is available on the Council's website.

7. Consultation Implications

- 7.1 None.

8. Community Safety Implications

- 8.1 None

9. Health and Safety Implications

- 9.1 None

10. Risk Management Implications

- 10.1 Good ethical governance is a key element in being able to mitigate against the risk of inappropriate behaviour and contributing to good corporate governance.

Colchester Borough Council

Code of Conduct for Members

INTRODUCTION

This Code of Conduct was adopted by the Council in accordance with section 51(2) of the Local Government Act 2000 at its meeting on 16 May 2007 and came into effect on 17 May 2007. It applies to all Councillors and co-opted persons that have been appointed to the Council, Cabinet, Panels and Committees and Sub-Committees of the Council.

Preamble

The General Principles

(NB. These do not form part of the Code but are included for completeness as the principles which govern the conduct of Members)

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

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

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

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

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
 - (2) You should read this Code together with the general principles prescribed by the Secretary of State.
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code—

"meeting" means any meeting of—

 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.
 - (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3. (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

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

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

- (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's

monitoring officer asking that the information be included in your authority's register of members' interests.

- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.



Colchester Borough Council

Planning Procedures Code of Practice

(Revised October 2008)

Colchester Borough Council Planning Procedures Code of Practice
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Introduction

- (1) Planning applications and the allocation of sites within the Development Plan and the way they are decided attract a great deal of public and media interest. It is important that the system is, and is seen to be, open and free from improper influence.
- (2) This Code of Practice describes how the Council deals with planning applications. It applies to all councillors who are involved in the development control and planning policy process. It recognises the separate roles of councillors and officers.
- (3) If you have any questions about this document, or would like some further explanation, please contact the Council's Monitoring Officer, Andrew Weavers.

Basic assumptions

- (1) The purpose of the planning system is to consider development proposals in the light of wider public interests.
- (2) To be successful, the planning system relies on councillors and officers acting in a way which is fair and is clearly seen to be fair.
- (3) Councillors have a special duty to their constituents, but their first duty is to the whole community of the Borough of Colchester. They must vote in the interests of the whole Borough where planning matters are concerned. They should bear in mind the Development Plan and all other relevant planning considerations. (The Development Plan means the County Structure Plan, the Borough Local Plan and emerging Local Development Framework documents.)
- (4) All Councillors are bound by the Council's Members Code of Conduct contained in the Council's Constitution. This Planning Procedures Code of Practice aims to complement what is contained in the Members Code of Conduct and if there is any unintended disparity between what is contained in this Code of Practice and the Members Code of Conduct, the latter will prevail.
- (5) Councillors are reminded that some breaches of this Code could potentially amount to allegations of criminal offences by individual Councillors; could result in judicial challenges to decisions by the Planning Committee; and/or could result in significant cost implications for the Council.

Colchester Borough Council Planning Procedures Code of Practice
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Section 1 - The role of Councillors

- (1) In making decisions on applications, councillors will:
 - act fairly and openly
 - approach each application with an open mind
 - carefully weigh up all the relevant planning considerations
 - avoid undue contact with interested parties
 - ensure that the reasons for decisions are clearly stated.
 - (2) The planning system exists to consider development proposals in the light of the wider public interest. Councillors must take into account the interests of the whole of the Borough of Colchester and act in a way which is fair and is clearly seen to be so.
 - (3) Councillors will not give instructions to officers, and they will not put pressure on officers to make a particular recommendation on an application. This behaviour would amount to a Councillor using his/her position improperly which would constitute a breach of the Members Code of Conduct.
 - (4) Councillors can expect officers to give them every help in answering questions on planning matters.
 - (5) Councillors who are members of the Planning Committee will be free to vote on planning applications in the way they consider appropriate, that is, without a Party 'whip'. They will also take account of all the relevant information, evidence and arguments. These will include the Development Plan and all relevant planning considerations.
 - (6) In the event that the Chairman of the Planning Committee is required to exercise his/her casting vote on an application, the Chairman will exercise his/her vote based solely on the planning merits of the application and the debate on the application by the Committee.
- NB: For more detailed guidance on Councillor/Officer relationships, please refer to the Council's Member/Officer Protocol in the Constitution.

Section 2 - The role of Officers

- (1) In making decisions on applications, officers will:
 - give professional and impartial advice
 - make sure that all the information is given that is needed for a decision to be made
 - put the application in context, in terms of the Development Plan and all other relevant considerations
 - give a clear and accurate written analysis of the issues
 - give a clear recommendation.
- (2) Officers will give advice only. The exception is if they have been given further powers under the Council's Scheme of Delegation to Officers, or when the Planning Committee gives specific delegated authority.
- (3) Officers are responsible for carrying out the decisions of the Planning Committee.
- (4) The Council endorses the Royal Town Planning Institute Code of Conduct in particular that Chartered Town Planners must not make or subscribe to any statements or reports which go against their own professional opinions.

Section 3 - Discussions with Applicants

- (1) The Council encourages officers to have meetings with prospective applicants before they make an application. To avoid misunderstanding, these meetings will only involve officers and only be held at the Council's offices or on site. The only exception to this is when the Planning Committee has passed a resolution that a pre-application meeting will involve councillors. The resolution must have been passed during a meeting with the public present.
- (2) Officers will make it clear at pre-application meetings that:
 - only officers' initial and provisional views can be given, based on the Development Plan, other Council policy and material considerations;

Colchester Borough Council Planning Procedures Code of Practice
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- no decisions can be made which would bind or affect the Planning Committee (or the Head of Environmental and Protective Services if he/she is delegated to make the decision).

All officers taking part in these discussions will make it clear that decisions on planning applications are taken either:

- by the councillors on the Planning Committee; or
 - under specific circumstances by the Head of Environmental and Protective Services or an officer specified using delegated powers as under the Scheme of Delegation to Officers.
- (3) The officer will make a written note of the meeting. If appropriate, the Officer will also send a follow-up letter if the prospective applicant has left documentary evidence with the Council. The Officer will also make a note of any telephone conversations.
- (4) If a pre-application meeting involves councillors, at least one officer will be present at all such meetings and a note of the discussion will be made. If an application is then made, the note will be made available for public inspection, as long as this is allowed under the usual rules about access to information.
- (5) Councillors will not take part in post-submission meetings with applicants or other parties, unless:
- section 5 of this code of practice allows this; or
 - the matter has been reported to the Planning Committee and the councillors concerned have been appointed by the committee.
- (6) A note of any discussions will be taken. This will be made available for public inspection, as long as this is allowed under the usual rules about access to information. At least one officer will be present at all such meetings.

Section 4 - Role of Informal Briefings

- (1) To assist in the decision making process, officers will undertake informal briefings where appropriate to discuss underlying issues/policies relating to major development proposals.
- (2) These shall not extend to detailed discussion on any proposal the subject of a current planning application which has yet to be determined by the Planning Committee.

Section 5 - Lobbying

- (1) It is quite common for applicants and others to want to discuss a proposed development with councillors before an application is decided. This can help councillors better understand the issues involved. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, councillors and in particular members of the Planning Committee will:
- not meet an applicant, or any other person in connection with a planning application, alone
 - not make it known in advance whether they support or oppose a proposal
 - not express an opinion which could be taken as support for, or opposition to, a proposal
 - not organise support or opposition for a proposal or lobby other councillors (except when speaking before the committee)
 - limit their reply to giving procedural advice
 - direct lobbyists or objectors to the case officer
 - inform the Head of Environmental and Protective Services and the Chairman of the Planning Committee about the existence of any lobbying interests.
- (2) Councillors who are **not** members of the Planning Committee may express support for a particular body of opinion before the matter is considered by the committee. But they must make it clear that they will not reach a final view on a proposal until all the relevant information, evidence and arguments have been put before them.
- (3) A councillor who had previously expressed support for a particular body of opinion as referred to in Paragraph (2) above who is subsequently substituted onto the Planning Committee will not be able to speak or vote on any item that they have expressed support for in advance. This will also apply if any item is referred to full Council for a decision.
- (4) Any member of the Planning Committee (or councillor who is substituted onto the Planning Committee) whose impartiality has been compromised by them expressing a final view on an application prior to the Committee considering the matter will need to consider whether to participate in or withdraw from the decision-making process. Any councillor who finds his/herself in this position should seek advice from

<p style="text-align: center;">Colchester Borough Council Planning Procedures Code of Practice</p>
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the Monitoring Officer.

- (5) Councillors must avoid putting themselves in a position that could lead to the public thinking that they are receiving preferential treatment for themselves, friends or relatives, or for any firm or body they are connected with. The Council's Members Code of Conduct gives more information about this.

Section 6 - Reports to Planning Committee

- (1) Committee papers will normally be available at least five clear working days before the meeting.
- (2) All applications presented to the Planning Committee for decision will have a full written report from officers. This will include:
 - the substance of any objections
 - the views of people who have been consulted
 - a clear explanation of the Development Plan, site and related history
 - any other material planning considerations
 - a reasoned consideration of the proposal
 - a clear recommendation.
- (3) Any relevant planning information which is received after the written report has been prepared and prior to 5pm on the day preceding the Planning Committee meeting will be presented to the Committee by officers. Any representations received after 5pm, the specified cut off time will not be presented to the Committee. In the event of significant new information being received after the specified cut-off time, the Head of Environmental and Protective Services may recommend that the Planning Committee defers consideration of the application.
- (4) If the circumstances of an application change between the preparation of the report and its discussion by the Planning Committee, the Head of Environmental and Protective Services may remove any item from the agenda of the meeting.
- (5) If an application is decided in the way an officer's report recommends, the decision will be worded as in the report. Any amendments that officers or councillors put forward at the Committee meeting will be taken into account.

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- (6) If councillors disagree with officers' professional advice, the reasons for rejecting a report's recommendation must be clearly stated at the meeting and recorded in the minutes. In this situation, councillors need to be sure that their decisions are based on sound planning reasons. Councillors must be aware that they may have to justify their decision at any appeal and may be held accountable by local residents.
- (7) Applicants and third parties will be entitled to speak at the meeting, as allowed by the Council's "Have your Say" planning procedure.
- (8) There will be an officer from the Council's Corporate Management at all meetings to make sure that procedures are properly followed.

Section 7 - Disclosure of interests – Councillors

- (1) The law and the Council's Members Code of Conduct set out rules and guidance for councillors on declaring their interests. Councillors must follow these rules and guidance and also review their own situation regularly. Under the Council's Code of Conduct impropriety must be avoided, and also any appearance of or grounds for suspicion of improper conduct. Where there is the possibility of an allegation of bias or predetermination, councillors must seek advice from the Monitoring Officer.
- (2) Councillors who are unsure whether an interest should be declared must seek the advice of the Monitoring Officer, or the Democratic Services Officer at the meeting.
- (3) Councillors are discouraged from receiving hospitality from people with an interest in a planning proposal. In accordance with the Council's Member's Code of Conduct councillors are required to register any gift or hospitality over the value of £25 on their Notice of Registerable Interest within 28 days of its receipt and declare the nature and existence of the gift and hospitality at the relevant committee meeting for a period of 3 years from the date of receipt.
- (4) Any member of the Planning Committee who has expressed a final view on an application will not participate in the determination of that application. If they do not wish to make representations in accordance with the Council's Member's Code of Conduct then they will leave the room for the duration of the discussion and vote on the application. If they wish to make representations they may do so from the public gallery (only if the public are so entitled) and must leave the room once they have finished their representations or the Committee decides that they have finished. They must not remain in the room when the vote is taken on the application.

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- (5) If a councillor has acted in such a manner as to give rise to an allegation of bias or predetermination they must seek advice from the Monitoring Officer prior to seeking to make any representations or participation at Planning Committee.

Section 8 - Disclosure of interests – Officers

- (1) If an officer has an interest in any planning matter then they must declare this to their Head of Service/Planning Service Manager. This is recorded on the relevant application file and they must take no part in the processing of the particular matter.
- (2) No officer will, when exercising a power granted by the Scheme of Delegation to Officers, exercise that power in the case of an application where they have been responsible for writing the report and making the recommendation to the Planning Committee. In these circumstances the officer will refer the case to another officer for advice.
- (3) No officer will deal with any planning application within a radius of 2km of their own property.
- (4) Officers are discouraged from receiving hospitality from people with an interest in a planning proposal. If this is unavoidable, officers will declare its receipt, as soon as possible, in the relevant register of gifts and hospitality. Any concerns in this regard must be raised with the Monitoring Officer.

Section 9 - Applications submitted by Councillors or Officers

- (1) All applications which are submitted by or on behalf of councillors, former councillors or officers or their spouse/partners, will be reported to the Planning Committee for a decision. They will not be dealt with under the Scheme of Delegation to Officers. The Monitoring Officer will be informed of all such applications.
- (2) The councillor (in accordance with the Members Code of Conduct) or officer concerned will take no part in the processing or deciding of the application.

Section 10 - Training

- (1) All councillors must receive training in planning procedures. The subjects covered by the training will be decided by officers in

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consultation with councillors. A councillor who does not undertake this training will be disqualified from the Planning Committee and from being a substitute for members of the committee who are unable to attend. They will also be disqualified from taking part in deciding an application referred to full council.

- (2) A programme of training will be available each year, covering issues of current importance as well as updating knowledge. From time to time, specialist training will be provided to cover particular topics or to look at matters in greater depth.

Section 11 - Complaints and compliments

- (1) Complaints and compliments about the Council's development control process will be dealt with under the Council's corporate complaints and compliments procedure.

Section 12 - Review of this Code of Practice

- (1) This code will be reviewed regularly to make sure that it reflects changes in the law, the Council's structure or other relevant considerations.

Schedule

Committee Site Visits Protocol

All sites are investigated and considered by officers as part of the normal process of determining applications. The results of these investigations will be reported to the Committee in the written report on the applications. This information should normally be sufficient for members to be able to make a decision on the applications.

- (1) There may be reasons when councillors may want to visit specific sites. This may be, for example, to understand local conditions and the relationship of a proposed development to the surrounding area as it may not be possible to see the full picture from the submitted drawings or from outside the site. Members of the Planning Committee requesting site visits should specify the reasons for the site visit and offer particular issues they want to look at on site.
- (2) A formal site visit will be held where it is clear there will be benefits from holding one, or if the Planning Committee asks for a site visit. A record will be kept of why visits are being held and who attended.
- (3) The only people invited to the site visit are members of the Planning Committee and officers of the Council. Whilst other parties may be present, no one other than the Chairman, members of the committee and officers may address the Committee on a site visit.
- (4) The applicant and any other parties who are present at the site visit as a result of publicity e.g. ward councillors, neighbours or objectors, will not be permitted to participate in the site visit or in the discussion or speak directly to members of the Committee.
- (5) If access to private land is needed, officers will get the agreement of the landowner before the visit.
- (6) On assembling at the site, the Chairman will advise those present of the purpose of the site visit and the procedure to be followed, so that all are aware that it is a fact finding exercise only and that no decision will be taken until the Planning Committee meeting.
- (7) There must be no discussion of the merits of the case, and all questions from councillors will be put through the Chairman. Questions should not be put directly to the applicant or to any other people present. In the event that further discussion between officers and the applicant/others present proves necessary in order to answer members' questions on factual matters, the Chairman may decide on a brief adjournment of the meeting to facilitate this process.

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- (8) The visiting party will stay together as a group. No lobbying by applicants or objectors will be allowed and the public has no right to be in attendance. If an applicant or group persists in attempting to lobby, all councillors and officers will leave the site and the site visit will be abandoned.
- (9) When councillors on the Planning Committee are on site visits they must not make any comments that could give the impression that they had already formed a view on the merits of the application. No decision on the application will be made until a formal meeting of the Planning Committee, where councillors will have before them all necessary information to be able to make an informed decision. This will include a record of the site visit.

Site visits by individual councillors

- (1) Councillors are discouraged from visiting sites on their own, however if undertaken, councillors should:
 - try to hear both sides
 - not commit themselves to one side or another
 - always declare their visits to the Planning Committee before the item is considered.
- (2) Councillors need to be aware that lobbying could prejudice their opportunity to speak and vote at any Committee meeting where a planning application is considered. Councillors may want to seek advice from the Monitoring Officer before making unaccompanied site visits.
- (3) Any councillor that does undertake a site visit on their own will not be acting as part of the Local Planning Authority and so will have no rights of access to any private land.
- (4) A note of any visit to a site outside of the Planning Committee must be made and passed to officers and will be recorded on the planning application file.

Member / Officer Protocol

Introduction

The purpose of this protocol is to provide a guide to good working relationships between Officers and Councillors (here called Members), to define the respective roles of Members and Officers and provide some principles governing conduct.

1 The Respective Roles of Members and Officers

- (1) Members are elected and represent their constituents. Under the Council's Executive Arrangements, Members will perform roles on the Cabinet, Strategic Overview and Scrutiny Panel, Finance and Audit Scrutiny Panel, Planning Committee, Licensing Committee, Accounts and Regulatory Committee and Standards Committee, in addition to sitting as Members of the Full Council. Some Members represent the Council upon outside bodies.
- (2) Officers are employed by and serve the whole Council. They provide the same level of support to the various functions of the Council, ie the Executive (Cabinet), scrutiny and regulatory. Officers advise the Council, the Cabinet, Panels and Committees. They implement decisions of the Council, the Cabinet, Panels and Committees and make decisions under powers delegated to them.
- (3) Officers are responsible to their line manager and, ultimately, their Head of Service. Heads of Service are accountable to an Executive Director. Executive Directors are accountable to the Chief Executive. The Chief Executive is accountable to the whole Council. Some senior officers have specific statutory responsibilities, including Adrian Pritchard, Chief Executive, as the Head of Paid Service, Andrew Weavers, Legal Services Manager, as Monitoring Officer (Section 5, Local Government and Housing Act 1989), and Charles Warboys, Head of Resource Management, as the Chief Finance Officer (Section 151, Local Government Act 1972).

2 Officers' Advice and Political Neutrality

- (1) Officer advice and support will be provided to: -
 - Council Meetings;
 - Meetings of the Cabinet and any Committees established by the Cabinet;
 - Portfolio Holders and other Cabinet Members (a greater degree of detail may be necessary for Cabinet Members who also carry portfolio responsibilities);

- Meetings of Committees/Sub-Committees and Panels;
- Working Parties/Forums, etc;
- Chairmen/Vice-Chairmen of Committees;
- all Members of Council on Council business

Officers will provide support and advice to the executive, scrutiny and regulatory functions of the Council and will ensure that there is no conflict of interest in the advice given to each of the functions.

Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents.

- (2) Officers must not be requested to advise upon matters of party business or private matters.
- (3) All Officers must treat political Groups and individual Members in a fair and even-handed manner. Officers must maintain political neutrality and Members must respect this.
- (4) Senior officers may be invited to attend political Group meetings. The Chief Executive will decide whether such attendance may take place. If it is agreed that an Officer can attend a political Group meeting, the Chief Executive will inform the other Group Leaders and offer a similar facility.
- (5) Political Group meetings fall outside the Council's decision-making process. Conclusions reached at such meetings are not formal Council decisions and so should not be relied upon as such.

3 Officers' Advice on Declarations of Interest

- (1) The Council's Legal Officers will provide advice and information to Members on declarations of personal or prejudicial interests. However, Members will know the nature and extent of any interest they may have. It is the Member's responsibility, therefore, to decide whether any interest should be declared. Officers must, when requested to do so, respect Members' confidentiality when providing advice on declarations of interest but may otherwise draw to a Members' attention the need to declare a known interest.

4 Personal Relationships

- (1) Close personal familiarity between individual Members and Officers can damage working relationships and prove embarrassing to other Members and Officers. There is the danger of favouritism being shown to a particular Member or Officer. There may be a risk that confidential information will be passed to a Member.
- (2) For these reasons, such a personal familiarity is discouraged. Nevertheless, it is recognised that there may be occasions where it is unavoidable, particularly where family relationships or common interests (eg a club) arise.

- (3) A Member must declare to the Chief Executive and his/her respective Group Leader any relationship with an Officer that might be seen as influencing his/her work as a Member. This includes a family or close personal relationship. Similarly, the Officer concerned should notify his Head of Service or, in the case of a Head of Service his/her Executive Director or, in the case of an Executive Director, the Chief Executive. In the case of the Chief Executive, then all Group Leaders should be notified. The Chief Executive and the relevant Executive Director will arrange for the relationship to be included in the formal Declarations of Interest provided by the Member and Officer.

(To be reviewed when the Code of Conduct for officers is issued.)

5 Appointment of Officers

- (1) Members must not take any part in the appointment of anyone to whom they are:
- married;
 - a partner;
 - otherwise related;
 - a friend;
 - a business associate.
- (2) Members must ensure that Officers are appointed only on merit in line the Council's recruitment and selection guidelines, with a view to their best serving the whole Council.

6 Undue Pressure

- (1) A Member should not apply undue pressure on an Officer to do anything which he/she is not empowered to do, or which is against the Officer's professional judgement, or to undertake work outside normal duties or normal hours.
- (2) Similarly, an Officer must not seek to influence an individual Member to make a decision in his/her favour, nor raise personal matters to do with his/her job, nor make claims or allegations about other employees, except in accordance with any agreed Council procedure or in accordance with law. Members who receive any such approach from an Officer should advise the Chief Executive and/or the appropriate Executive Director immediately. The Council has formal procedures for consultation, grievance and discipline, etc. dealing with these matters.

7 Officers' Reports and Advice

- (1) The named author(s) of a report to the Council or any part of its formal decision-making structure will always be fully responsible for the contents of it. Under overview and scrutiny arrangements, an Officer can be held responsible for the contents of his/her reports or advice and be required to answer for the advice given.

- (2) The Leader, Cabinet Member and/or Chairman of the relevant Committee or body may comment upon a proposed report, either during the original consultation process or following receipt of a draft agenda. The Officer concerned will give due consideration to such comments, consulting his/her relevant Executive Director or Head of Service and other appropriate Officers as necessary. The Chief Executive will be the final arbiter upon the contents of any report.
- (3) A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any remaining disagreement between the Cabinet Member/Chairman and the author of the report should be referred to the Chief Executive, or, if the author of the report is the Chief Executive, to the Monitoring Officer for resolution after consultation with the Leader.
- (4) Occasionally, Officers will need to express a professional view on a matter which may not support the view of the leading Group and/or the relevant Senior Officers of the Council.
- (5) Members should not put an Officer in a position where there would be a conflict between himself/herself and his/her line manager, Head of Service or Executive Director, nor should the Officer receive detrimental treatment as a consequence if the Member is aggrieved.

8 Officer Decisions made under Delegated Powers

- (1) Officers may make decisions under powers delegated to them pursuant to the Scheme of Delegation or by specific authority from the Cabinet, a Cabinet Member, Panel or Committee. It must be recognised that it is the Officer, and not any Member, who takes the action and it is the Officer who is accountable for it.

9 The Officer relationship with the Leader, Cabinet Members and the Chairman of the Strategic Overview and Scrutiny Panel

- (1) The working relationship between senior Officers and the Leader/Cabinet Members will be particularly close. Cabinet Members will have broad-ranging responsibilities. Officers may provide briefing notes, advice and information to the Cabinet Members in respect of reports or questions at Panel, Committee and Council Meetings. This relationship, however, must not:
 - compromise Officers' duties to all Members of the Council;
 - be so close as to give the appearance of partiality on the part of the Officer;
 - undermine the confidentiality of any discussions with the Senior Management Team or between Senior Officers and other Members;
 - compromise Officers' professional responsibility to advise Members that a particular course of action should not be pursued;

- abrogate Officer responsibility for action taken under Delegated Powers.
- (2) There will also be a close working relationship between senior officers and the Chairman of the Strategic Overview and Scrutiny Panels within the remit of scrutiny of executive functions.

10 Constructive Criticism/Complaints

- (1) It is important that there should be mutual courtesy between Members and Officers. It is important that there are reasonable standards of courtesy and no Member or Officer should seek to take unfair advantage of their position.
- (2) Members and Officers should not criticise or undermine respect for the other at Council Meetings or at any other meeting they attend in their capacity as a Councillor or Council employee.
- (3) Members should not raise matters relating to the conduct or capability of an individual Council Officer or Officers collectively at meetings held in public.
- (4) If a Member believes that he/she has not been treated with proper courtesy or has a concern about the conduct or capability of an Officer, he/she should raise the matter with the Head of Service of the Group in question. If he/she is not satisfied with the action that has been taken in response to this, he/she may raise the matter with the Chief Executive who will look into the matter afresh. If the Chief Executive believes that there is a case to answer he/she may determine the action to be taken which might include the Council's formal disciplinary procedures. If the Officer concerned is the Chief Executive then the Member should raise the matter with their Group Leader, who should initially discuss the issue with the Chief Executive.
- (5) If an Officer feels that he/she has not been treated with respect or is concerned about any action or statement relating to him/herself or a colleague by a Member, or conduct of a Member, the Officer should raise the matter with his/her Head of Service. If the Officer is not satisfied with any action that has been taken as a result, the Officer should raise the matter with his/her Executive Director. If there is a serious case to answer the Executive Director, with the agreement of the Chief Executive, may request that the matter be investigated through the Council's Standards Committee's procedures.
- (6) Where an Officer or Member is concerned about potential unlawful conduct of an Officer or Member, the Council's Whistle-blowing Policy may also be relevant. Nevertheless, the procedure outlined in this protocol should be first reference where possible.

11 Members' access to information and to Council documents

- (1) Each Member has the right to inspect and have copies of the reports, minutes and background papers relating to the public part of any Council, Cabinet, Panel or Committee agenda. However, Members do not have an automatic right of access to all documents relating to confidential ("Exempt") items on

the agenda. These might include, for instance, information relating to employees, occupiers of Council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations. These provisions are detailed in the Access to Information Procedure Rules.

- (2) In respect of such confidential information, Members will normally receive, or have access to all papers unless they are of particular sensitivity. A Member may have access to such sensitive documentation insofar as it is reasonably necessary to enable him/her to properly perform his/her duties as a Member of the Council. The relevant question to be asked is whether he/she needs to know the information to perform such duties.
- (3) A member of the Cabinet, a Panel or Committee will have a need to know of the documentation relating to that body. In other circumstances, a Member will normally be expected to justify the request in specific terms and the motive for requesting the information will be relevant. The question as to access to the documentation will be determined by the Monitoring Officer.
- (4) Members of the Overview and Scrutiny Panels have the additional rights to access contained at Rule 22 of the Access to Information Procedure Rules.
- (5) Where a Member has a personal or prejudicial interest in a matter, the Member will only be entitled to the same rights of access to documentation as would apply for the public generally, although the Member would continue to receive the same documentation as is sent to other Members of the Council.
- (6) Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council. Confidential information should not be disclosed, discussed with or released to any other persons. Such disclosure would be a betrayal of trust. In particular, Members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.
- (7) Any confidential information provided to Members should be clearly marked as such prior to its provision.
- (8) Further advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer.

12 Public Relations and Press Releases

- (1) By law the Council is prohibited from publishing material which appears to be designed to affect public support for a political party. News releases are written by Officers but they may contain quotations from a Member. Such news releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation. The aim will be for the news releases to be objective, factual and informative. The Council has also adopted a guide to pre-election publicity which provides advice upon publicity and activities during a pre-election period.

- (2) The Council will abide by the National Code of Recommended Practice on Local Authority Publicity.
- (3) For detailed guidance please refer to the Council's Media Protocol.

13 Council Publications

- (1) The Council's newspaper the Courier, shall remain politically neutral. It may contain quotes from Portfolio Holders in line with Council Policy. Reports of decisions made shall be those of the Council represented as the body corporate.
- (2) Publications issued by Service Groups may contain quotations from Cabinet members in line with Council policy on the matter. Where policy has yet to be determined, a Cabinet member should not indicate his/her preference. If the Council has no policy on a particular matter and a Cabinet member wishes to comment, the same opportunity must be made available to Shadows.

14 Member Support Services

- (1) The Council provides a range of support services, including stationery, typing, postage and an e-mail address to enable Members to carry out their duties. These may only be used on Council business, such as correspondence between Members or Members and Officers; or in response to queries raised by local people. They must not be used for any party political, mailing list or election purposes whatsoever. Members must not ask Officers to type, photocopy or otherwise process any party political or election material.

15 Correspondence

- (1) Unless a Member or Officer requests confidentiality, it is to be assumed that correspondence between a Member and an Officer is not confidential and may be shown to others. If, in an Officer's view, correspondence between an individual Member and an Officer is of interest to other Members, to keep them fully informed, it should be made clear to the original Member that copies could be sent to other Members.
- (2) Where issues are raised by, or with, individual Members relating to a matter of general interest in a Council Ward, as it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their Ward, copies of correspondence will only be sent by agreement of the individual Member.
- (3) Officer letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (eg representations to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm.

16 Involvement of Ward Members and MPs

- (1) Information regarding activities in particular Ward should, when appropriate, be copied to the Ward Member(s) for information. Ward Members should be invited to take part in or attend any public meeting, consultative exercise or launch event organised by the Council concerning a local issue.
- (2) If an Officer calls a meeting upon a local issue with or including Ward Members, the Officer will invite all Members for the Ward(s) in question.
- (3) If either of the Members of Parliament are involved in the local issue, the Officer at his/her discretion may invite the MP to the meeting in addition to the Ward Members. If the Officer considers this to be inappropriate for any reason he/she may meet the MP separately.
- (4) If a Ward Member calls or requests a meeting upon a local issue at which an Officer or Officers is/are requested to be in attendance, the Officer(s) will be required to attend only if all the Members for the Ward have been invited to attend, or are agreeable to the meeting taking place, and if the subject matter of the meeting is not politically controversial.
- (5) If a MP calls or requests a meeting upon a local issue at which an Officer or Officers is/are requested to be in attendance, the same criteria govern the Officer's attendance as in paragraph (4) above.
- (6) Meetings with Ward Members and/or MP's and/or others are generally private. Officers may confirm the events which occurred at the meeting and the outcome of it with the Members who attended, but will not reveal those matters to other Members or to other political groups except with the specific authority of the Member(s) who attended or called the meeting.

17 Ministerial Visits

- (1) If an officer is made aware that a visit will be made to the Borough by a Minister of Her Majesty's Government (whether at the invitation of the Borough Council or otherwise), the officer shall advise Group Leaders of the visit together with any input required from Members or officers of the Council. Consideration shall be given to inviting the Mayor, the Leader, the relevant Portfolio Holder, other Cabinet Members, Shadow Spokespersons and Ward Councillors.
- (2) Where a visit to the Borough by a Minister of Her Majesty's Government is within the control of the Council, the Member of Parliament in whose constituency the visit is to take place, shall be invited to attend.

18 Unresolved issues and amendments to this protocol

- (1) If there are any issues of concern which are not dealt with by this protocol, then the relevant Member or Officer may discuss the matter with the Chief Executive with a view to advice being provided.
- (2) Should any Member or Officer wish to suggest an amendment to this protocol, he/she is asked to contact the Monitoring Officer.

Colchester Borough Council

Media Protocol

INTRODUCTION

This protocol is governed by provisions in the Local Government Act 1986, the Local Government Act 1988, the Local Government Act 2000, and the Code of Recommended Practice on Local Authority Publicity (revised version April 2001).

All publicity and media activities adhere to the provisions of these acts and the code.

1 The role of Communications

- (1) The Council has a corporate communications team situated in Corporate Management whose purpose is to increase public awareness of the Council's services and functions, to explain to the public and stakeholders what the policies and priorities are, and to support the organisation in gathering public views on services, policies and priorities.
- (2) The team fulfils this role in part through the issuing of news releases, briefings, conferences and events. It also supports the media and members of the public who attend open meetings of the Council.
- (3) The communications team provides officers and Councillors with support on any communications matter that relates to the reputation of the Council as a whole or its policies and services, and assists with the re-energising of local democracy.
- (4) It will promote Council business and other activities through media releases and publications, quoting officers of the Council, partner organisations and/or service users, where their contributions add to the relevance and interest of the story.

2 Principles of Colchester Borough Council's relationship with the media

- (1) The Council is committed to effective communication so that citizens of the Borough of Colchester are well informed about the services that affect their lives every day. The local media play a valuable role, including the ability to reach large numbers of local residents.

The Council aims to provide a service to the media which is responsive and understands their needs. This is built on a basic principle of wanting to be open and transparent about the decisions the Council takes and who is accountable for those decisions.

- (2) The Council has a policy of allowing media access to a wide range of media trained officers to provide them with the factual information that they need. Media requests for comments or opinion on Council policy or political matters are generally referred to the appropriate Cabinet member. However if the

communications team are contacted first by the media, they will determine whether a Council officer or the relevant Portfolio Holder is better placed to answer the enquiry.

The names of group Spokespersons and Members of the Cabinet shall be made publicly available. The current media Spokespersons list (includes Council officers only) has been provided to all Cabinet members and can also be obtained from the communications team on x2285.

3 Roles and Responsibilities

- (1) The Cabinet is the main decision making body and the appropriate Cabinet member will be the primary point of contact with the media on all policy matters. If the media contacts the communications team first they will determine whether the journalist should contact the Council officer (in the case of factual or technical information) or the relevant Portfolio Holder (in the case of policy or opinion).

It is the responsibility of the Cabinet member to ensure that, if they are contacted directly by the media, they inform either the Leader or Deputy Leader of the Cabinet (where applicable) and the communications team.

Leader of the Council

- (2) The Leader will be consulted on all general and strategic policy issues in addition to those within his/her portfolio responsibility. Under the Local Government Act 2000, the additional powers of well being and community leadership mean that the Council can legitimately become involved in and comment on issues which may be outside its own area of direct responsibility but have an impact on the community. It is on issues such as these that the Leader will take responsibility for deciding on a response in conjunction with the communications team if required.

Deputy Chairman of the Cabinet

- (3) The Deputy Chairman of the Cabinet will fulfil the Leader's role in the absence or unavailability of the Leader of the Council.

Cabinet Members

- (4) Cabinet members will be consulted on policy issues within their portfolio area only, both in terms of the issuing of news releases and responding to media enquiries.

Chairmen of the Strategic Overview and Scrutiny Panel and Finance and Audit Scrutiny Panel

- (5) In order to promote the role of overview and scrutiny within the overall democratic process, recommendations from the Panel will be publicised as applicable.. The appropriate Cabinet member and/or Leader of the Council will be informed in advance.

Chairmen of Planning Committee, Licensing Committee and Accounts and Regulatory Committee

- (6) Issues of public interest decided within the regulatory framework can be the subject of publicity, involving the Chairmen of the relevant regulatory committee in consultation with the relevant Cabinet member.

Ward Councillors

- (7) The Council recognises the importance of promoting the ward role of Councillors. This protocol allows for Ward Councillors to be quoted in news releases and to be a contact for the media on initiatives in their ward that promote the policies and services of the Council, in consultation with the relevant Cabinet member.

Mayor

- (8) The Mayor (and in his/her absence, the Deputy Mayor) shall be involved in the promotion of civic and ceremonial events on behalf of the Council, and other promotional activities undertaken in his/her capacity as Chairman of the Council will be publicised as appropriate.

Officers

- (9) It is the role of officers to provide factual information only.

4 Use of Spokespersons

Quotations

- (1) All those holding the above listed roles can be used as spokespersons within their area of responsibility – either in the issuing of news releases, in responding to media enquiries, or giving interviews relevant to their area of responsibility.
- (2) Officers should be used as lead spokespersons when the Council's reputation can be enhanced by raising the profile of a perceived 'expert' but only to the extent of factual material. As a principle, Councillors should lead on policy and service development issues, while officers, in consultation with the appropriate Cabinet member, should lead on technical, operational issues that require detailed expertise. If the Council has no policy on a particular matter and a Cabinet member wishes to comment, the same opportunity must be made available to Shadows.

Opposition

- (3) The political groups represented on the Council have designated spokespersons covering all aspects of the Council's business. The relevant person and their contact details will be provided by the communications team on all occasions.

5 Promoting Council Business

Issuing of agendas

- (1) It is intended that all meeting papers will be made available to the media via the Council's website and paper copies made available to the public at Angel Court five working days before the meeting concerned.

Media in attendance

- (2) Staff from the communications team will provide assistance to members of the media who attend open meetings of the Council. They and the Committee Administrators must ensure that the media in attendance have the relevant papers, particularly those additional papers which may have been issued on the day.

Motions and questions

- (3) Motions and questions of a political nature from individual Councillors shown on the agenda will not be publicised through the Council's communications team.

Debate reporting

- (4) A reporter who has not attended the meeting but wishes to find out what was determined by the meeting should approach the Committee Administrator.

6 Issuing of News Releases

Origination

- (1) The drafting of a news release can be requested by those Councillors with the roles and responsibilities listed at section 3, officers, or initiated by members of the communications team. Where a policy issue is involved, the relevant Cabinet member should be consulted.

Clearance

- (2) All news releases written by Council officers should be cleared with a Head of Service and a copy provided to the communications team in the first instance, and any Councillor quoted in the release must have the opportunity to agree content. If the appropriate Councillor is unavailable within the necessary timescale, it will be referred to the Leader or the Deputy Leader of the Council.

Targeting

- (3) News releases should be targeted to those media outlets that cover the geographical area or specialism relevant to the subject matter of the release. The issuing of releases to all media outlets regardless of content will be avoided.

Ward Issues

- (4) Where an initiative in a Councillor's ward reinforces the policies and services of the Council (eg a road improvement scheme, the opening of a day centre etc) and has the support of the Ward Councillor, a news release issued to publicise the initiative can include a quote from the Ward Councillor(s) after consultation with the relevant Cabinet member. This does not preclude a second quotation from the Cabinet member with portfolio responsibility if required.

Overview and Scrutiny

- (5) There should be a balance in the publicity of the Council's business, between the decisions of the Cabinet and the activities of the Strategic Overview and Scrutiny Panel and Finance and Audit Scrutiny Panel. To this end, where a Strategic Overview and Scrutiny Panel and/or Finance and Audit Scrutiny Panel is in agreement that a news release should be issued about a policy issue reviewed at its meeting, then the communications team will do this. The Chairman of the Strategic Overview and Scrutiny Panel or Finance and Audit Scrutiny Panel as appropriate will be offered the opportunity to be quoted within the release in his/her capacity as Chairman. The relevant portfolio holder will be made aware of the release being drafted and also offered the opportunity to be quoted within the release in order to develop an open democratic debate on issues through the Council's publicity mechanisms.

Regulatory Committees

- (6) Where decisions of the Planning Committee, the Licensing Committee or Accounts and Regulatory Committee involves an issue of public interest, a news release can be issued involving the Chairman of the relevant committee.

Partnership releases

- (7) News releases issued in partnership with other organisations should be encouraged where appropriate. The relevant Cabinet member will be consulted as usual but may not be quoted where it is agreed that the Council is not the lead agency and in the interests of producing succinct media releases. Wherever possible, such news releases should be issued on jointly headed paper, with each organisation's respective contact points made clear.

Use of embargoes

- (8) Embargoes should only be used when considered essential. This would most typically be when a news release is linked to a launch event, when an issue of confidentiality requires it, or when a third party requires it (eg announcement of award or additional funding). Embargoes are not legally enforceable and are adhered to by general local agreement.

Contacts

- (9) At the end of each news release, in the note to editors, relevant contact details for the relevant Portfolio Holder must be provided. In addition, an appropriate officer contact must be included, this may on occasion, be an officer from the communications team.

Distribution

- (10) The Leader and Deputy Leader will be sent the news release by email prior to its general release to the media, and the communications team will make reasonable attempts to ensure those people are aware it is on their email.
- (11) Other Councillors who have requested copies by email of all news releases issued by the communications team will be sent them as they are issued to the media.
- (12) The priority means of distributing news releases to the media will be by email, unless a media outlet requires an alternative format but this is to be discouraged. It is intended that news releases will be posted on the Council's website as they are issued to the media.

Use of photographs

- (13) Wherever possible, news releases should be accompanied by either a photo or the offer of a photo opportunity.

7 Use of media briefings

- (1) The use of media briefings is to be encouraged and fits with the principles of our relationship with the media indicated in section 2. On major policy issues such as budget setting, a briefing for the media should take place as early in the process as possible. When such briefings are arranged, the relevant Cabinet member will provide the actual briefing. Spokespersons will be notified of the briefing and will be afforded access to the media following the conclusion of the briefing by the Cabinet member. However, if the purpose of briefing is purely factual, the relevant service manager will provide the actual briefing.

8 Responding to enquiries

- (1) The communications team will respond to enquiries as promptly as possible, taking into account the media's deadlines. Information will be obtained from officers and the relevant Cabinet members consulted prior to redirecting media enquiries or issuing responses on enquiries relating to policy issues.

Use of releases

- (2) Where a controversial issue is the subject of media attention, the communications team will prepare, in consultation with officers and the relevant Cabinet member, a statement for issuing to media.

9 Elections

- (1) The Council will follow the guidelines contained in the Code of Practice on Local Government publicity, ie "The period between the notice of election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election."

Consequently, no Councillors will be quoted in any releases during the period outlined above.

- (2) Wider publicity initiatives also need to be considered carefully during this period. The Code of Practice states that:

“Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members.” In addition; “Proactive events arranged in this period should not involve members likely to be standing for election.”

- (3) Any prospective candidates (parliamentary, county and borough) requesting visits to Council premises must be treated equally. There is no requirement for such visits to be refused. However, Council staff should not be included in any photographs that candidates might arrange during such visits.

10 Confidential Information

- (1) Any Council information provided to a Councillor must only be used by the Councillor in connection with the proper performance of their duties as a Member of the Council. Confidential information should not be disclosed to the media, discussed with or released to any other persons. Such disclosure would be a betrayal of trust. In particular, Councillors should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.

11 Media Training

- (1) The communications team will provide training to both Councillors and staff which encourages a positive relationship with the media and provides information on the best ways to get their information across.

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Colchester Borough Council

Monitoring Officer Protocol

- (1) By virtue of the Local Government and Housing Act 1989 and the Local Government Act 2000, the Monitoring Officer has responsibilities, powers and duties in relation to issues which include legality, maladministration, probity, procedure, vires, constitutional and ethical matters. The Monitoring Officer will discharge the responsibilities with determination and in a manner which will enhance the reputation of the Council.
- (2) The Council will provide the Monitoring Officer with such resources as he/she may reasonably request in order to fulfil the responsibilities of the post.
- (3) The Head of Paid Service, Chief Finance Officer and Monitoring Officer will meet as necessary to consider and recommend action in connection with governance issues and other matters of concern regarding probity.
- (4) The Monitoring Officer will be afforded access to all parts of all formal meetings of the Council, the Cabinet, Panels, Committees and Sub-Committees, and will be provided with copies of all reports to Members on request.
- (5) The Monitoring Officer will be provided with copies of all agendas and minutes of meetings of the Senior Management Team and will be invited to attend those parts of informal meetings conducted by the Head of Paid Service/Executive Management Team with the Leader of the Council, Cabinet Members, Chairman of Strategic Overview and Scrutiny Panel, Finance and Audit Scrutiny Panel or the Mayor which concern matters having reference to the responsibilities of the Monitoring Officer. Where possible, advance notice of such meetings will be given to the Monitoring Officer. The Monitoring Officer may request to attend any meeting which he/she considers to have reference to the responsibilities of the post, which request shall not be unreasonably denied.
- (6) Members, Executive Directors and Heads of Service will alert the Monitoring Officer to all emerging issues of concern having reference to the responsibilities of the Monitoring Officer.
- (7) The Monitoring Officer will inform the Head of Paid Service or the Chief Finance Officer that an investigation is being commenced. The Monitoring Officer will also ensure that the Head of Paid Service and the Chief Finance Officer are kept informed and provided with up-to-date information on all emerging issues.
- (8) The Monitoring Officer will develop good liaison and working relations with Standards for England, its Ethical Standards Officers, the District Auditor, the Local Government Ombudsman and Clerks to Town and Parish Councils.

- (9) The Monitoring Officer will review the Council's Constitution on an annual basis and following consultation in particular with the Head of Paid Service and the Chief Finance Officer, will report with recommendations to the Council.
- (10) From time to time as necessary, the Monitoring Officer will prepare a training programme for Members upon the Council's ethical framework and submit it to the Standards Committee for approval.
- (11) In relation to allegations of a breach of the Code of Conduct for Members referred to the Monitoring Officer for investigation by an Ethical Standards Officer, the Monitoring Officer shall conduct enquiries as he/she deems necessary and report his/her findings to the Standards Committee.
- (12) In relation to any matter within the areas of responsibility of the Monitoring Officer but which has not been referred to the Standards for England, the Monitoring Officer at his/her discretion may conduct an investigation and report as appropriate to the Council, the Cabinet, the Standards Committee or the Head of Paid Service.
- (13) In carrying out any investigation, subject to adherence with the law at all times, the Monitoring Officer shall be afforded full access to any information held by the Council and may request an interview with any Member or Officer, which request shall not be unreasonably denied. In the course of an investigation the Monitoring Officer will log every action taken and will submit that record to the Standards Committee as part of the Monitoring Officer's report.
- (14) The Local Government Act 2000 provides the Monitoring Officer with a statutory role in pursuance of which he/she is not required to consult any Member prior to carrying out an investigation of a possible breach of the Members' Code of conduct.
- (15) The Council's insurances shall extend to all Monitoring Officer responsibilities and to all staff engaged on such duties on behalf of the Monitoring Officer.

Colchester Borough Council

Chief Finance Officer Protocol

- (1) By virtue of the Local Government Act 1972, Section 151, the Chief Finance Officer has responsibility for the administration of the Council's financial affairs and by virtue of the Local Government Finance Act 1988 Section 114 has a duty to report upon decisions or actions which have or may result in the Council incurring expenditure which is unlawful, or if it appears that expenditure is likely to exceed the resources available to meet it. The Chief Finance Officer will discharge the responsibilities with determination and in a manner which will enhance the reputation of the Council.
- (2) The Council will provide the Chief Finance Officer with such resources as he/she may reasonably request in order to fulfil the responsibilities of the post.
- (3) The Head of Paid Service, Monitoring Officer and Chief Finance Officer will meet as necessary to consider and recommend action in connection with financial issues and other associated matters.
- (4) The Chief Finance Officer will be afforded access to all parts of all formal meetings of the Council, the Cabinet, Panels, Committees and Sub-Committees, and will be provided with copies of all reports to Members on request.
- (5) The Chief Finance Officer will be provided with copies of all agendas and minutes of meetings of the Senior Management Team and will be invited to attend those parts of informal meetings conducted by the Head of Paid Service/Executive Management Team with the Leader of the Council, Cabinet Members, Chairman of Strategic Overview and Scrutiny Panel, Finance and Audit Scrutiny Panel or the Mayor which concern matters having reference to the responsibilities of the Chief Finance Officer. Where possible, advance notice of such meetings will be given to the Chief Finance Officer. The Chief Finance Officer may request to attend any meetings which he/she considers to have reference to the responsibilities of the post, which request shall not be unreasonably denied.
- (6) Members, Executive Directors and Heads of Service will alert the Chief Finance Officer to all emerging issues of concern having reference to the responsibilities of the Chief Finance Officer.
- (7) The Chief Finance Officer will inform the Head of Paid Service or the Monitoring Officer of any investigation he/she proposes to commence. The Chief Finance Officer will also ensure that the Head of Paid Service and the Monitoring Officer are kept informed and provided with up to date information on all emerging issues.
- (8) The Chief Finance Officer will develop good liaison and working relations with the District Auditor and the Audit Commission.

- (9) In relation to any matter within the areas of responsibility of the Chief Finance Officer, he/she at his/her discretion may conduct an investigation and report as appropriate to the Council, the Cabinet, the Strategic Overview and Scrutiny Panel, Finance and Audit Scrutiny Panel or the Head of Paid Service.
- (10) In carrying out any investigation, subject to adherence with the law at all times, the Chief Finance Officer shall be afforded full access to any information held by the Council and may request an interview with any Member or Officer, which request shall not be unreasonably denied. In the course of an investigation, the Chief Finance Officer will log every action taken and where necessary will submit that record to the Standards Committee.
- (11) The Council's insurances shall extend to all responsibilities of the Chief Finance Officer and to all staff engaged on such duties on behalf of the Chief Finance Officer.

Resources Protocol

1 Introduction

The purpose of this protocol is to provide a guide to the use of Council resources by Councillors.

2 Resources Provided to Councillors

- (1) The Council provides a range of support services, including stationery, typing, postage and an e-mail address to enable Councillors to carry out their duties. These may only be used on Council business, such as correspondence between Councillors or Councillors and Officers; or in response to queries raised by local people. They must not be used for any party political, mailing list or election purposes whatsoever. Councillors must not ask Officers to type, photocopy or otherwise process any party political or election material.
- (2) Council stationery and postage may only be used by Councillors as part of their duties as an elected member. They may not be used for any party political or election purposes whatsoever.
- (3) Councillors are provided with an e-mail address: i.e. "cldr.firstname.surname@colchester.gov.uk". This is an official address and may only be used by Councillors as part of their duties as an elected member. It may not be used for any party political purpose or appear on any election material or publicity whatsoever. Councillors may use their Council e-mail address on their Ward newsletters as a means of enabling their constituents to contact them. However, the Council e-mail address should not be used in Ward newsletters during an election nomination period or any that contain election material.
- (4) Councillors may use their Council computer for reasonable private use provided they have paid the annual payment of £50 in accordance with the Members Information System Agreement. In addition the computer may be used for party political purposes. However any e-mail use of the computer for party political purposes must be via a separate e-mail address.

3 Code of Conduct

- (1) Paragraph 5 (b) of the Council's Code of Conduct for Members states:
"A Councillor —
must, when using or authorising the use by others of the resources of the Council,—
 - (i) act in accordance with the Council's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or conducive to, the discharge of the functions of the Council or of the office to which the Councillor has been elected or appointed."

4 Members Information System Agreement

- (1) The Council requires that every Councillor who has the benefit of a Council computer must sign the Members Information System Agreement and abide by its provisions.

5 The Council's Requirements

- (1) The Council's requirements regarding the use of its resources by Councillors are contained in this Protocol and the Members Information System Agreement.
- (2) If a Councillor does not act in accordance with the Council's requirements it could amount to a breach of the Council's Code of Conduct for Members under paragraph 5 (b) and may be referred to the Standards Committee.



Agreement for supply of equipment and software for use with the Members' Information System (MIS)

Responsibilities of the Council

1. To provide computer equipment/software to Members to support their roles as elected Members.
2. To insure the computer equipment against the usual perils. However, Members must take reasonable precautions to safeguard the computer equipment.
3. To install a dedicated telephone line for each Member at their home. This will be undertaken by the Council or its agent and liability will be limited to death or personal injury caused directly by the negligence of the Council or its agents.
4. To install non-portable equipment in the home of Members. This will be undertaken by the Council or its agent and liability will be limited to death, personal injury or damage to goods or property caused directly by the negligence of the Council or its agents.
5. To ensure that all computer equipment supplied to Members' will be safe and fit for the purpose, subject to the provisions contained in this agreement.
6. To maintain the computer equipment and software provided, subject to the provisions contained in this agreement.
7. The Council will not be liable for the loss of any Members personal data stored on the computer equipment provided by the Council nor will it guarantee that the computer equipment or service will be available for personal use at any particular time

Responsibilities of Members

1. To use the computer equipment and services provided by the Council for the sole purpose of supporting his/her role as an elected Member and not to permit any other person to use the computer equipment, software or Internet access.
2. To use the dedicated telephone line provided solely to access the Members Information System through the special number provided.
3. To take reasonable care to safeguard the computer equipment and software supplied and to follow any instructions as to its use issued by the Council, its agents or the manufacturer of the computer equipment and to comply with this agreement.
4. To report any damage suffered by the computer equipment to the Council as soon as possible.
5. To comply with the licence conditions of the software installed on the computer equipment and not to copy any software supplied to any other machine without the previous written authorisation of the Head of Resources.
6. To give the Council or its agents reasonable access on reasonable prior written notice to the computer equipment supplied by the Council for the purposes of maintaining, auditing, inspecting/testing, removing, repairing and/or replacing any hardware/software including any cabling or for such other reasonable purpose connected with the use of the computer equipment.

7. Not to do anything to the computer equipment supplied by the Council that would invalidate the Council's insurance policy.
8. Not to modify the computer equipment supplied by the Council or install new hardware, save for using the computer equipment for the purpose set out in this agreement or loading software that has previously been agreed in writing with the Council. In the event that a Member does tamper with the computer equipment in breach of this agreement, then the Member agrees to indemnify the Council against any liability or costs incurred by the Council.
9. Not to use the computer equipment or the dedicated telephone line supplied by the Council for inappropriate purposes or for the promotion of personal interests.
10. To comply with the Council's policy on the use of e-mails and IT Security, a copy of which has been previously supplied.
11. Not to cause the Council to be in breach of any of its legal obligations including but not limited to health and safety, data protection, releasing of confidential information, defamation and/or any breach of any of the Council's licence agreements. In the event that a Member is in breach of this agreement, then the Member agrees to indemnify the Council against any liability or costs incurred by the Council.
12. If a Member wishes to use the computer equipment provided for reasonable private use (including use of e-mail and the world wide web) he/she agrees to pay to the Council an annual fee of £50.00 (to be deducted from the Members allowances).
13. To treat all confidential material or information accessed through the Members Information System as confidential.

Return of the Computer Equipment

In the event of a Member ceasing to be an elected Member of the Council at any time, through defeat at election, resignation or death all computer equipment supplied by the Council must be returned to the Council within two weeks of ceasing to be a Member, unless the Head of Corporate Management directs otherwise. In addition the Council will request the Telephone Company to disconnect the dedicated telephone line to the Members home and will cease payment of the rental, unless the ex-Member notifies the Council, within two weeks of ceasing to be a Member, that they wish to take over the line. All costs of transferring the line, including converting from a business to a residential line, shall be the responsibility of the ex-Member.

Agreement

I agree to the above conditions for the supply of computer equipment and software and will be bound by the conditions set out above.

I will / will not* be using the Members Information System for private use.

Signature _____ Date _____ 200

Name in Block Capitals _____ * (delete where applicable)

Colchester Borough Council

Whistleblowing Policy and Procedure

1. Introduction

- (1) 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.
- (2) 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.
- (3) 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." Examples of these matters are given below in paragraph 2.2.
- (4) This policy and procedure applies to all employees, councillors, partners and contractors. It also covers suppliers and members of the public.
- (5) 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.
- (6) This policy has been discussed with the relevant trade unions and has their support.

2. Aims and Scope of this Policy

2.1 This policy aims to:

- (a) encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice without fear of recrimination.
- (b) provide avenues for you to raise those concerns and receive feedback on any action taken
- (c) ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- (d) 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.
- (e) advise you of the support that the Council will provide if you raise concerns in good faith.

2.2 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:

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

2.3 This concern may be about something that:

- (a) makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- (b) is against the Council's Procedure Rules and policies; or

- (c) falls below established standards of practice; or
- (d) amounts to improper conduct.

3. Safeguards

Harassment or Victimisation

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of employees and councillors.
- 3.2 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.
- 3.3 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.
- 3.4 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.

Confidentiality

- 3.5 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.

Anonymous Allegations

- 3.6 This policy encourages you to put your name to your allegation whenever possible.
- 3.7 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 3.8 In exercising this discretion the factors to be taken into account would include the:
 - (a) seriousness of the issues raised;
 - (b) credibility of the concern; and
 - (c) likelihood of confirming the allegation from attributable sources.

Untrue Allegations

- 3.9 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. How to raise a concern

- 4.1 As a first step, if you are an employee you should normally raise concerns with your immediate manager or their superior. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your line manager or one of their superiors is involved, you should approach the Chief Executive, an Executive Director, the Monitoring Officer, the Head of Resource Management (in his/her capacity as the Council's Chief Finance Officer) or the Audit Manager.

- 4.2 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:

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

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

- 4.4 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.

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

Chief Executive, Adrian Pritchard ☎ 282211

Executive Director, Ian Vipond ☎ 282717

Executive Director, Ann Wain ☎ 282212

Executive Director, Pamela Donnelly ☎ 282212

Monitoring Officer, Andrew Weavers ☎ 282213

Finance Manager Audit and Governance, Elfreda Walker ☎ 282461.

- 4.6 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.

4.7 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.

5. How the Council will respond

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

5.2 Where appropriate, the matters raised may be:

- (a) investigated by management, internal audit, or through the disciplinary process
- (b) referred to the police
- (c) referred to the Council's external auditor
- (d) the subject of an independent inquiry.

5.3 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.

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

5.5 Within **five** working days of a concern being raised, one of the Officers named at 4.5 above will write to you:

- (a) acknowledging that the concern has been received
- (b) indicating how it is proposed to deal with the matter
- (c) giving an estimate of how long it will take to provide a final response
- (d) informing you whether any initial enquiries have been made
- (e) supplying you with information on staff support mechanisms, and
- (f) informing you whether further investigations will take place and if not, why not.

5.6 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.

- 5.7 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.
- 5.8 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.
- 5.9 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. The Responsible Officer

- 6.1 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 Standards Committee.

7. How the matter can be taken further

- 7.1 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) the Audit Commission hotline - 0845 052 2646
 - (b) your local Citizens Advice Bureau
 - (c) relevant professional bodies or regulatory organisations
 - (d) the police
 - (e) Local Government Ombudsman
 - (f) the Council's Standards Committee.
- 7.2 If you are considering taking the matter outside of the Council, you should ensure that you are entitled to do so and that you do not disclose confidential information. An independent charity, Public Concern at Work, can offer independent and confidential advice. They can be contacted on ☎ 020 7409 6609 or by email at whistle@pcaw.co.uk

8. Questions regarding this policy

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

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Gifts & Hospitality - Guidance to Members

1. Introduction

Colchester's Members' Code of Conduct requires Members to include in their Notice of Registerable Interests details of any gift or hospitality received as part of their official duties which may be over the value of twenty five pounds. It is also a breach of the Code to act in such a way as to bring the Authority into disrepute or for a Member to use their position as a Councillor improperly to confer on or secure for themselves or any other person an advantage or disadvantage.

The following guidance aims to assist Members in complying with the Code of Conduct but it also goes beyond these basic provisions and seeks to provide wider guidance so Members can avoid any situation where their integrity may be brought into question as a result of gifts and hospitality.

2. The Legal Position

The Public Bodies Corrupt Practices Act 1889 provides that it is an offence for any Member to corruptly receive or agree to receive any gift, loan, fee, reward or advantage for doing or not doing something in connection with the work of the Council.

The Prevention of Corruption Act 1916 provides that where such a gift, loan etc. is received by a Member from a person seeking a contract with the Council then the gift or loan is deemed to have been received corruptly. This would put the giver and the receiver in the position of having to prove that they did not act dishonestly.

3. General Advice

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

4. Gifts

The following rules should be applied:

- (a) Other than the exceptions listed in (b) and (c) below a Member should refuse any gift offered to them or to an immediate relative of the Member, by any person who has or may seek to have dealings with the Council. It is recommended that Members should notify the Monitoring Officer of all such refusals as soon as reasonably practicable regardless of the value of the offered gift (unless the gift falls within (b) or (c) below). The Monitoring Officer will maintain a record for this purpose.

Members should note the Members' Code of Conduct requires all gifts and hospitality which may exceed twenty five pounds to be entered on the Members Notice of Registerable Interests which is available for public inspection.

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

- (b) The gift is of purely token, promotional advertising value given to a wide range of people, e.g. pens, key rings and other promotional items. As such promotional gifts will usually be less than twenty five pounds in value generally there will be no need to register but in cases of doubt Members should err on the side of caution and register the gift.
- (c) A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council. Again because such gifts would be of a small value generally there will be no need to register but in cases of doubt Members should err on the side of caution and register the gift.
- (d) A gift to the Council. This is particularly relevant to the Mayor or Deputy Mayor who may receive gifts on behalf of the Council.

Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer as set out in paragraph (a) above.

Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the Council and should be registered with the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than the twenty five pounds specified in the Code of Conduct). The Monitoring Officer in consultation with the Chairman of the Standards Committee will determine whether it is appropriate to retain the gift in question.

Whilst it may be acceptable to accept a token or small gift on one occasion Members should refuse repeated gifts, even if these are individually not of a significant value.

5. Hospitality

Increasingly private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that Members' judgement would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality which exceeds twenty five pounds is required by the Code of Conduct to be registered. However Members may wish to notify the Monitoring Officer of hospitality offered but refused and hospitality which is less than the twenty five pounds limit specified in the Code of Conduct.

Some examples of hospitality which may be acceptable follow but much may depend on the particular circumstances, for example who is providing the hospitality, why the Member is there and the nature of the dealings between the Council, the Member and the provider of the hospitality:

- A working meal provided to allow parties to discuss or to continue to discuss business.
- An invitation to attend a dinner or function of a Society, Institute or other non commercial body with whom the Authority has contact.

- Invitations to attend functions where the Member represents the Council (opening ceremonies, public speaking events, conferences).

The following are examples of unacceptable hospitality:

- Holidays, including accommodation and travel arrangements
- Offers of theatre tickets for the member and his family or free travel
- Personal invitations for evenings out with representatives from a company or firm who have dealings with the council or who are likely to have dealings in the future.
- Members are again advised to err on the side of caution and if in any doubt as to the integrity of the offer / invite, the Member should consult the Monitoring Officer or refuse

If Members have any concerns regarding this guidance they should seek advice from the Monitoring Officer.



Standards Committee

Item
7

27 November 2009

Report of	Head of Resource Management	Author	Hayley McGrath ☎ 508902
Title	Revised Anti-Fraud and Corruption Policy		
Wards affected	Not applicable		

**This report recommends that the Committee approves a revised
Anti-fraud and Corruption Policy**

1. Decision(s) Required

- 1.1 To agree the revised Anti-Fraud and Corruption Policy and to refer it to Council for inclusion in the Council's Policy Framework.

2. Background

- 2.1 The Council currently has an Anti-Fraud and Corruption Policy which has been in place since 2005. Since then anti-fraud and corruption policies have become part of annual corporate review processes such as the Use of Resources and the Annual Governance Statement. These look to ensure that local authorities are managing the risk of fraud and corruption appropriately.
- 2.2 The Audit Commission and CIPFA have both recently issued national guidance relating to how local authorities should manage the issue of anti-fraud and corruption. The recommendations from these guides have been incorporated into the revised policy.
- 2.3 Other than Benefit fraud, there have been no recorded instances of fraud or corruption since the policy was introduced since 2005.

3. Changes introduced in the new Policy

- 3.1 The most significant change in the updating of the Policy is the incorporation of the Benefits Sanction Policy, which was previously reported separately. These have been incorporated to demonstrate that the Council is committed to having a robust framework that covers all areas of activity.
- 3.2 The new Policy also;
 - Clearly sets the Council's culture and values and demonstrates that fraudulent or corrupt actions will not be tolerated.
 - Defines the role of interested parties.
 - Gives guidance on how an issue will be investigated to ensure that there is a consistent approach to managing fraud and corruption.

4. Strategic Plan References

- 4.1 The standards regime forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

5. Financial Considerations

- 5.1 None.

6. Equality, Diversity and Human Rights Implications

- 6.1 An Equality Impact Assessment has been undertaken of the Benefit fraud policy and this is attached at appendix 1. This indicates that the policy does not unjustifiably or adversely treat any group.

7. Publicity Considerations

- 7.1 The Anti-fraud and Corruption Policy forms part of the Council's Policy Framework and will be placed on the Council's website.

8. Consultation Implications

- 8.1 None.

9. Community Safety Implications

- 9.1 None

10. Health and Safety Implications

- 10.1 None

11. Risk Management Implications

- 11.1 A clear Anti-fraud and Corruption Policy is a key element in being able to mitigate against the risk of fraud or corruption being perpetrated against the Council.



DRAFT

**COLCHESTER BOROUGH
COUNCIL**

**ANTI FRAUD AND
CORRUPTION
POLICY**

November 2009

CONTEXT

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

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

There will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. The policy will not compromise the Council's commitment to Equal Opportunities or the requirements of the Human Rights Act or any other relevant statutory provision.

This policy has been created with due regard to the CIPFA better Governance Forum's Red Book 2 'Managing the Risk of Fraud' and the Audit Commission Publication 'Protecting the Public Purse'.

OVERVIEW

This policy provides an overview of the of measures designed to combat any attempted fraudulent or corrupt act and the steps to be taken if such action occurs. For ease of understanding it is separated into four areas as below:-

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

Fraud and corruption are defined by the Audit Commission as:-

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

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

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

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

CULTURE

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

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

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

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

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

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

RESPONSIBILITIES & PREVENTION

Responsibilities of Elected Members

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

Responsibilities of the Monitoring Officer

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

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

Responsibilities of the Head of Resource Management

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

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

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

Under these statutory responsibilities the Head of Resource Management contributes to the anti-fraud and corruption framework of the Council.

Responsibilities of the Senior Management Team

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

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

Responsibilities of Employees

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

Role of Internal Audit

Internal Audit plays a vital preventative role in trying to ensure that systems and procedures are in place to prevent and deter fraud and corruption. Internal Audit investigates all employee cases of suspected financial irregularity, fraud or corruption, except Benefit fraud investigations (see appendix 1), in accordance with agreed procedures. Within the Financial Procedure Rules in the Constitution, representatives of Internal Audit are empowered to:

- enter at all reasonable times any Council premises or land
- have access to all records, documentation and correspondence relating to any
- financial and other transactions as considered necessary
- have access to records belonging to third parties such as contractors when required
- require and receive such explanations as are regarded necessary concerning any
- matter under examination
- require any employee of the Council to account for cash, stores or any other Council
- property under his/her control or possession

Internal Audit liaises with management to recommend changes in procedures to reduce risks and prevent losses to the Authority.

Role of the Benefits Investigation

Due to the specialised nature of benefit fraud investigations a separate sanctions policy has been developed that covers all aspects of the benefit investigation process. This is included at appendix 1.

Role of the Audit Commission

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

Role of the Public

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

Conflicts of Interest

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

Official Guidance

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

The Council is aware of the high degree of external scrutiny of its affairs by a variety of bodies such as the Audit Commission (including External Audit and Inspection), other Government Inspection bodies, the Local Government Ombudsman, the National Standards Board, HM Customs & Excise and the Inland Revenue. These bodies are important in highlighting any areas where improvements can be made.

DETECTION & INVESTIGATION

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

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

Detailed guidance on investigations can be found at appendix 2.

Disciplinary Action

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

Members will face appropriate action under this policy if they are found to have been involved in theft, fraud and corruption against the Authority. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. If the matter is a breach of the Code of Conduct for Members then it will also be referred to Standards for England - the national standards organisation.

Prosecution

In terms of proceedings the Council will ensure consistency in the Council's action in specific cases and to deter others from committing offences against the Authority.

Publicity

The Council will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. In all cases (both Member and Officer) where the Council has suffered a financial loss then the Council will consider the recovery of the loss. All anti-fraud and corruption activities, including the update of this policy, will be publicised.

AWARENESS & MONITORING

The Council recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of training and awareness for members and employees and accordingly will take appropriate action. Details of the policy and a training module will be available on the intranet.

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

This policy and associated procedures will be reviewed at least annually and will include a self assessment of the Council's compliance with the governance checklist set by the Audit Commission paper 'Protecting the Public Purse' which has been included at appendix 3.

Appendix 1

COLCHESTER BOROUGH COUNCIL

FRAUD SANCTIONS POLICY



AMENDED 01.04.09

1. Introduction

- 1.1 Colchester Borough Council aims to provide a modern, customer focused, efficient, effective and secure Housing Benefit service that is continuously seeking to improve. This document sets out the policy of Colchester Borough Council towards sanctions, including criminal prosecutions, for offences relating to benefit fraud.
- 1.2 This policy has been developed with the aim of providing a framework to ensure a fair and consistent approach to the use of formal sanctions. It refers to criteria relating to the offence, offender, value and duration of the fraud which have to be taken into account before considering whether a sanction is appropriate, and if so, which sanction to apply.
- 1.3 This policy needs to be considered in conjunction with the council's Anti-Fraud and Corruption Policy Statement which sets out the commitment to prevent, detect and investigate benefit fraud.
- 1.4 Housing and Council Tax Benefits are administered by a local authority on behalf of the Department of Work and Pensions (DWP) as part of the statutory local government functions. Our policy is therefore a matter for our members. In practice, the policy broadly follows the approach of the DWP.

2.0 General Principles

- 2.1 Colchester Borough Council is committed to the prevention, detection, correction, investigation and, where appropriate, prosecution of fraudulent benefit claims.
- 2.2 The aim is to prevent criminal offences occurring by making it clear to our customers that they have a responsibility to provide accurate and timely information about their claims; to punish wrongdoing; and to deter offending.
- 2.3 This policy supports the DWP Public Service Agreement to reduce losses from fraud and error by 15% by 2010. It also provides a full response to the need to be effective against fraud in the full range of welfare benefits.
- 2.4 Each potential fraud is assessed against local criteria by Colchester Borough Council's Housing and Council Tax Benefits Investigation Team. This assessment will result either in cases being investigated further under criminal investigation standards or referred to the Housing and Council Tax Benefits Review Team. Review action usually comprises of an interview regarding any changes in circumstances and the allegation concerned. Further action will depend upon the outcome of the interview but they will be reminded of their responsibilities and may be advised about their future conduct and required to rectify or withdraw their claim.
- 2.5 Each case that is subject to criminal investigation is considered on its own merits, having regard to all of the facts, before an appropriate sanction is administered.

3. Organisation

3.1 Criminal investigations are undertaken in accordance with:

- Police and Criminal Evidence Act 1984 and its code of practice
- Criminal Procedures and Investigation Act 1996 and its code of practice
- all other relevant legislative and common law rules
- Departmental Policy
- advice from internal legal department

3.2 Fraud Investigators receive Professionalism in Security (PINS) training which is accredited by Portsmouth University. Additional guidance is provided by the Fraud Procedures and Instruction Manual which is regularly updated to ensure that:

- investigations are conducted in a legal and professional manner
- policy and legislation is correctly applied, and
- approved working methods are applied

3.3 Colchester Borough Council has a legal team who provide advice and guidance to investigators throughout the investigative and prosecution process if required. They do not conduct any part of the investigation but advise on the investigator's obligations, evidential requirements and any appropriate charges. Colchester Borough Council's legal team are also responsible for identifying those cases which are not suitable for criminal prosecution for evidential reasons.

3.4 Colchester Borough Council also has access to free technical support and/or legal advice from the DWP prosecution division.

3.5 Colchester Borough Council also works closely with the DWP Fraud Investigation Service (FIS) team operating under similar prosecution practices and has a Fraud Partnership Agreement (FPA) with them to support joint working activity such as joint interviews under caution and investigations, to aid in the tackling of fraud in the full range of welfare benefits.

4. Sanction Process

4.1 Where an offence has been committed the Investigation Team can consider administering a caution, offering an administrative penalty, or instigating a prosecution. The choice will depend on the factors below and taking into account the criteria within section 4.4.1.

4.2 Cautions:

4.2.1 A formal caution is an administrative sanction that a local authority in England and Wales is able to offer as an alternative to a prosecution as long as specific criteria are met, and the case is one that Colchester Borough Council could take to court if the caution was refused.

4.2.2 Cautions are usually aimed at the less serious benefit frauds and those where the overpayment is under £2,000. It also provides an additional tool for the Investigation Team to use in those cases where the deterrent effect is considered a sufficient and suitable alternative to prosecution or an administrative penalty.

4.2.3 The offender must admit to the offence in an Interview Under Caution (IUC) and provide informed consent to being cautioned. To be able to offer a caution requires the same standard of criminal evidence as for a prosecution and should only be offered if the authority could prosecute should the caution be refused.

4.2.4 If the customer is consequently prosecuted for another benefit offence the caution can be cited in court.

4.3 Administrative Penalties

4.3.1 An Administrative Penalty is the offer to the customer to agree to pay a financial penalty where the customer has caused benefit to be overpaid to them, by either an act or omission. The amount of the penalty is currently stipulated at 30 percent of the amount of the gross overpayment.

4.3.2 These penalties will be offered where the case is deemed to be not so serious to deserve any other sanction and an Administrative Penalty is considered to be a suitable alternative to prosecution and where the gross overpayment is less than £2,000. Unlike cautions, no admission of guilt is required from the customer before offering an administrative penalty, although there is a statutory requirement for investigators to ensure that there are grounds for instituting criminal proceedings for an offence relating to the overpayment.

4.4 Prosecutions

4.4.1 If there is sufficient evidence Colchester Borough Council will refer the case to the solicitors internally for consideration of criminal prosecution where one or more of the following criteria are met:

- the gross adjudicated overpayment is £2,000 or over
- false identities or other personal details have been used
- false or forged documents have been used
- official documents have been altered or falsified
- the person concerned is in a position of trust
- the person concerned assisted or encouraged others to commit offences
- there is evidence of premeditation or organised fraud
- the person concerned has relevant previous convictions
- the customer had previously been convicted of benefit fraud
- the amount of the adjudicated overpayment is under £2,000 and the offer of an administrative penalty or formal caution is not accepted.
- Is the person in sound mind and in good physical position?
- Are there any social factors (eg death in the family)?

4.4.2 In all cases, including those which do not fall within any of the above criteria, Colchester Borough Council retains discretion as to whether criminal proceedings are started.

5. Proceeds of Crime Act (POCA)

5.1 Colchester Borough Council Investigation Officers must consider in all suitable cases the ability for a court to obtain restraint and/or confiscation orders of identified assets. A restraint order will prevent a person from dealing with specific assets. A confiscation order will enable the council to recover losses from assets which are found to be the proceeds of crime.

6. Loss of Provision

6.1 The loss of benefit provision is designed to be a deterrent against the continued abuse of the benefit system by applying a benefit sanction against those convicted of one or more benefit offences within a prescribed period in each of two separate sets of criminal proceedings.

6.2 This provision allows the DWP and local authorities to apply a sanction in the form of a fixed 13 week benefit disqualification period where a person is convicted of benefit fraud in two separate proceedings, which have been committed within a three year period. Benefits can be withdrawn, or reduced by 20 or 40 percent for the 13 week period.

7. Recovery of Debt

7.1 Where an overpayment arising from fraud is identified Colchester Borough Council will take steps to recover the resultant debt, including taking action in the civil courts if necessary, in addition to any sanction it may impose in respect of that fraud. The council has an overpayment policy which is updated regularly.

8. Summary

8.1 This policy sets out the main areas that the council takes into consideration when investigating potentially fraudulent claims for benefits. As well as the above, the council is working towards achieving the performance standards set by the DWP for its counter fraud work.

8.2 Whilst the council appreciates that the majority of customers are honest, it will continue to fight abuse of the system by those who falsely claim benefits to which they are not entitled. All investigations will be completed by trained staff who will respect the rights of all customers.

Appendix 2

PROCEDURES FOR INVESTIGATING FRAUD OR CORRUPTION

1. Purpose

- 1.1 These procedures define how the Council will react to any suspected cases of fraud or corruption apart from benefit claim fraud.

2. Responsibilities

- 2.1 The responsibilities for actions identified in this plan are detailed in Annex A.

3. Initiating Action

- 3.1 Actual or suspected frauds or corruption may become apparent in a variety of ways including external sources or via the Council's whistle blowing process. In any event, actual or suspected frauds or corruption will be reported as soon as practicable to the Chief Executive and Head of Resource Management. Who will immediately inform the Council's Monitoring Officer and Head of Corporate Management where an employee is believed to be involved.
- 3.2 When practicably possible of receiving notification of actual or suspected fraud or corruption, the Head of Resource Management will, in consultation with the Chief Executive and Monitoring Officer, where appropriate, decide on the initial response.
- 3.3 The initial response may be an internal investigation, referral to the police, some other form of action, or a decision not to pursue the issue further. The Head of Resource Management will keep a formal record of the decision and the reasons behind it. The decision will be reported to the Chief Executive and Monitoring Officer and the appropriate Head of Service.
- 3.4 Where the identity of the informant is known, the Head of Resource Management will inform them in writing within ten working days of the initial receipt of the allegations, of the initial action being taken, unless the Monitoring Officer determines that there are reasons for not doing so.
- 3.5 The appropriate Head of Service (or an officer nominated by him/her) who will also inform the Council's insurance section immediately and will report criminal damage to Council property to the Police.

4. Prevention of Further Loss

- 4.1 Where initial investigation provides reasonable grounds for suspecting a Councillor of fraud or corruption the Monitoring Officer, in consultation with the Chief Executive and Head of Resource Management will decide how to prevent further loss. In respect of employees suspected of fraud or corruption, the Head of Resource Management, in consultation with the Monitoring Officer and appropriate Head of Service will decide

how to prevent further loss. This may require the suspension of the suspect(s) and the appropriate Head of Service will be requested to agree and implement the suspension. It may be necessary to plan the timing of suspension to prevent the suspect(s) from destroying or removing evidence.

- 4.2 In these circumstances, the suspect(s) should be approached unannounced. They should be supervised at all times before leaving the Council's premises. They should be allowed to collect personal property under supervision, but should not be able to remove any property belonging to the Council. Any security passes and keys to premises, offices and furniture should be returned.
- 4.3 Where an employee is suspended in these circumstances, their Head of Service will immediately make the necessary arrangements to remove access to all Council computing facilities.
- 4.4 The Head of Resource Management will consider and initiate any other action necessary to protect Council assets and property. This will include considering whether it is necessary to investigate systems other than that which has given rise to suspicion, through which the suspect may have had opportunities to misappropriate the Council's assets.

5. Obtaining and Safeguarding Evidence

- 5.1 It is never possible to predict with any degree of certainty how any individual investigation will develop. It is therefore essential to ensure that, for all investigations, a chronological log is maintained of all events as the investigation proceeds.
- 5.2 A standard working paper format, appropriately headed, will be all that is required for smaller investigations. Larger or more complex investigations may necessitate the use of a diary. The purpose of these documents is to provide a history in summary form of the investigation as it proceeds.
- 5.3 It is important that all meetings, interviews, removal/taking possession of evidence, telephone discussions, etc are recorded. A more comprehensive note of any such event should be maintained in the form of a detailed working paper which should be written up either during, or as soon after the relevant event as possible, and signed, dated and timed by the responsible individual.

6. Recovery of Losses

- 6.1 Recovering losses is a major objective of any fraud or corruption investigation. The Head of Resource Management will ensure that the amount of any loss will be quantified and repayment of losses will be sought in all cases.
- 6.2 Where the loss is substantial, legal advice will be obtained immediately about the need to freeze the suspect's assets through the court, pending conclusion of the investigation. Legal advice will also be obtained about prospects for recovering losses through the civil court, where the perpetrator refuses repayment. The Council would normally expect to recover costs in addition to losses.

6.3 The appropriate Head of Service will ensure that prompt action is taken to recover insured losses by notifying the Council's insurance officer and submitting the appropriate claims information as quickly as possible.

7. References for Employees Disciplined or Prosecuted for Fraud or corruption

7.1 Any request for a reference for an employee who has been disciplined or prosecuted for fraud or corruption shall be referred to the Head of Corporate Management who will prepare any answer to a request for a reference having regard to employment law.

8. Reporting Fraud or corruption to the Audit Commission

8.1 Where the estimated amount of the loss due to a fraud or corruption is above the threshold set by the Audit Commission the Head of Resource Management will formally report the fraud or corruption to them.

9. Reporting Lines

9.1 The Head of Resource Management will report formally to the Monitoring Officer and Chief Executive, where appropriate at the following stages of the process:

Initial action stage
Referral to the police
Quantification of losses
Conclusion of the episode

10. Responsibility for Investigation

10.1 The Head of Resource Management will be responsible for procuring resources and managing internal investigations.

11. Referring Suspected Fraud or corruption to the Police

11.1 The Head of Resource Management, in consultation with the Monitoring Officer will formally refer suspected fraud or corruptions to the Police, obtaining a crime reference number in each case.

11.2 The Head of Resource Management will establish and maintain a contact point with the police for each fraud or corruption reported to them and will periodically enquire on the progress of investigations; reporting the results to the Monitoring Officer.

ANNEX A TO FRAUD AND CORRUPTION PROCEDURES

DEFINITION OF ACTIONS

Action	Responsibility	Timescale
Head of Resource Management, Chief Executive and the Monitoring Officer informed of cases of suspected or actual fraud. In addition, in consultation with the Head of Corporate Services where an employee is believed to be involved	Appropriate Head of Service	Immediate
Decide on the initial response Members suspected Employee suspected	Monitoring Officer in consultation with the Chief Executive & Head of Resource Management Head of Resource Management in consultation with Monitoring Officer and appropriate Head of Service	Within 24 hours of receiving notification of actual or suspected fraud
Record decision and report it to the Monitoring Officer and Chief Executive, where appropriate	Head of Resource Management	
Write to the informant to tell them of the initial action being taken.	Head of Resource Management	Within 10 working days of receipt of the allegation
Report criminal damage to the Police and the Council's insurance section	Head of Resource Management	Immediately
Suspension of employees suspected of committing a fraudulent act Remove access to Council buildings and collect security cards, access cards, keys and access to computer facilities etc	Appropriate Head of Service Appropriate Head of Service (or an officer nominated by him/her)	Immediately sufficient grounds for suspicion identified Upon suspension

Action	Responsibility	Timescale
Quantify losses	Appropriate Head of Service and Head of Resource Management	As soon as practical
Seek legal advice on recovery of losses and costs where estimated losses over £5,000	Head of Resource Management / Head of Corporate Services	As soon as practical
Seek to recover insured losses as quickly as possible by notifying the Council's insurance officer and submitting the appropriate claims information	Appropriate Head of Service	As soon as practical
Refer request for a reference for an employee who has been disciplined or prosecuted for fraud to the Head of Corporate Services	Appropriate Head of Service	As required
Report the fraud to the Audit Commission where the estimated amount of the loss is above the threshold set by the Audit Commission.	Head of Resource Management	As soon as it has been identified that the threshold is likely to be exceeded
Refer suspected frauds to the Police, obtaining a crime reference number in each case	Head of Resource Management in consultation with the Monitoring Officer	As soon as practical
Establish and maintain a contact point with the Police for each fraud reported to them and will periodically enquire on the progress of investigations.	Head of Resource Management	As required

Appendix 3

Audit Commission – Protecting the Public Purse

Self Assessment Checklist for Governance

	Yes	No	Action
General			
1. Have we committed ourselves to zero tolerance against fraud?			
2. Do we have appropriate strategies, policies and plans?			
3. Do we have dedicated counter-fraud resources?			
4. Do the resources cover all of the activities of our organisation?			
5. Do we receive regular reports on fraud risks, plans and outcomes?			
6. Have we assessed our management of counter-fraud resources against good practice?			
7. Do we raise awareness of fraud risks with: <ul style="list-style-type: none"> ➤ new staff (including agency staff)? ➤ existing staff? ➤ members? 			
8. Do we join in appropriately with national, regional and local networks and partnerships to ensure we are up to date with current fraud risks and issues?			
9. Do we have working arrangements with relevant organisations to ensure effective sharing of knowledge and data about fraud?			
10. Do we identify areas where internal controls may not be performing as intended?			
11. Do we maximise the benefit of our participation in the Audit Commission NFI and receive reports on outcomes?			
Fighting fraud in the recession			
12. Have we reassessed our fraud risks because of the recession?			

13. Have we amended our counter-fraud action plan as a result?			
14. Have we reallocated staffing as a result?			
Some current risks and issues			
15. Do we take effective action to ensure that social housing is allocated only to those in need?			
16. Do we take effective action to ensure that social housing is occupied by those to whom it is allocated?			
17. Are we satisfied that payment controls are working as intended?			
18. Have we reviewed our contract letting procedures against the good practice guidance issued by the Office of Fair Trading to reduce the risk of illegal practices such as cartels?			
19. Are we satisfied that our recruitment procedures are: <ul style="list-style-type: none"> ➤ preventing employment of people working under false identities? ➤ validating employment references effectively? ➤ ensuring applicants are eligible to work in the UK? 			
20. Where we are moving to direct payments (for example, social care) have we introduced suitable and proportionate control arrangements in line with recommended practice?			
21. Are we effectively controlling the discounts and allowances we give to council taxpayers?			
22. Are we satisfied that we are doing all that we can to tackle housing and council tax benefit fraud?			
23. Do we have a reporting mechanism that encourages our staff to raise their concerns of money laundering?			

**EQUALITY IMPACT
ASSESSMENT
(EQIA)**

Please ensure that you read the EIA Framework before completing this pro-forma

Date Started: 2 November 2005
Date Completed: 2 November 2005
Date last reviewed: 24 October 2008

Service Group/Team: Resource Management

Lead Officer(s): John Fisher & Louisa Giddings

Name of policy, procedure or practice: Benefit Fraud Prosecution policy statement
(Written or unwritten)

Who is responsible for it and who implements it? John Fisher & Louisa Giddings

Stage 1. Scope of the EIA

For advice refer to stage 1 of the EIA guidance

- **What are the broad aim(s) objective(s) of the policy, procedure or practice?**

To provide documented internal instruction and guidance to the Council's staff.

- **What outcomes do you want to achieve?**

To ensure and a consistent and fair mechanism for the assessment and administration of benefits.

Stage 2

Please refer to stage 2 of the EIA guidance:

In this section you need to:

- determine who your audience, users or customers are and what their needs are likely to be.
- determine what impact the policy, procedure or practice is likely to have on them.

• List of Audience; Users or Customers

Benefit practitioners
Customer Service Officers
Other Council officers and council members
DWP
Members of the public (when published as part of the Constitution)

- **List how you monitor the impact that it has on different groups. If you do not monitor the impact on different groups is there a justifiable reason for this?**

Feedback from staff and customers

- **Please list below all data/information you have used to inform you impact assessment, including source & reference.**

Examples:

Recruitment & Selection Policy, National Census Ethnicity Data, Recruitment Monitoring Statistics, Service User and Focus Group Consultation, Consultation Reports.
See EIA Framework for other likely sources of useful information

Previous policy document.
Rules and legislation as set out in the policy statement

<p>Stage 3 Using information gathered consider if you need anything further to fully assess awareness of needs or impact on identified customers or users (yes or no). If 'no' record this decision below with the reasons why this conclusion has been reached. If 'yes' go to Stage 4.</p>		
<p>No. Procedures are based on government legislation and guidance that allows little discretion.</p>		
<p>Stage 4 4.1 Record any information below that is available from other sources</p>		
<p>Rules and legislation is set out in the policy statement. DWP website.</p>		
<p>4.2 & 4.3 List below any groups you need with to assess need or impact and methods used: <i>you may need to add extra rows</i></p>		
Stake Holder Group	Consultation Method	Specific Needs/Requirements in relation to the Policy, Procedure or Practice and likely impact
None		
<p>4.4 Summarise results of consultation below</p>		
<p>Not applicable</p>		

4.5 Using information gathered record below if you need to take any action to remove any negative impact on identified customers or users (yes or no). If 'no' record this decision below with the reasons why this conclusion has been reached. If 'yes' go to Stage 5.			
No. Procedures are based on established legal rules and precedents.			
Stage 5 – List below proposals and actions to overcome unjustifiable or adverse treatment of any group			
Actions	By whom	Groups consulted	Date completed
None.			
Stage 6 Please summarise below arrangements you have made for publication of your findings. For advice please refer to stage 6 of the EIA guidance.			
No publicity required as this is an internal document mainly intended for use of council staff only.			

Stage 7

Please summarise below what arrangements you have made to monitor/review the impact of the policy, procedure and practice. For advice please refer to **stage 7** of the EIA guidance. Please explain why if you have not.

Benefit practitioners are encouraged to give feedback about the content and effectiveness of the policy, with the aim of reviewing it from time to time. The policy will also be updated in line with any new legislation or working practices, taking account of any suggestions and benchmarking.

Review

Given low or no direct impact of this document on people outside the organisation, this assessment is due for review every three years.

By this review on 24 October 2008, the assessment has been brought up to date, but the principle conclusion remains the same, so that no further action is necessary.

