

# Governance and Audit Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Wednesday, 13 December 2023 at 18:00**

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

## Information for Members of the Public

### Access to information and meetings

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

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

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

### Have Your Say!

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

### Audio Recording, Mobile phones and other devices

The Council audio records public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

### Access

There is wheelchair access to the Town Hall from St Runwald 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 the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

### Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

### Evacuation Procedures

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Library and Community Hub, Colchester Central Library, 21 Trinity Square,

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

### **Accounts, Audit, Risk and Counter Fraud**

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

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

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

### **Miscellaneous regulatory matters**

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

To determine and approve Community Governance Reviews.

An overview of the Council's complaint handling procedure and Local Government and Social Care Ombudsman investigations.

### **Shareholder Committee for Council owned companies**

To consider, review and make recommendations to Cabinet regarding the activities and financial performance of Colchester Commercial (Holdings) Limited, its subsidiary companies and Colchester Borough Homes Limited.

Consider an annual review of the business plans of Colchester Commercial (Holdings) Limited (including its subsidiary companies) and performance of the companies including delivery of the dividend; and the Annual Report, Governance Statement and performance of Colchester Borough Homes Limited.

The creation of any arrangements for any future Council owned company including activities and performance.

### **Standards**

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

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

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

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

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

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

### **General**

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

**The complete Terms of Reference of the Governance and Audit Committee are contained within the Council's Constitution.**

**COLCHESTER CITY COUNCIL**  
**Governance and Audit Committee**  
**Wednesday, 13 December 2023 at 18:00**

**The Governance and Audit Committee Members are:**

Councillor Chris Pearson	Chair
Councillor Paul Smith	Deputy Chair
Councillor Paul Dundas	
Councillor Dave Harris	
Councillor Alison Jay	
Councillor Sara Naylor	
Councillor William Sunnucks	

**The Governance and Audit Committee Substitute Members are:**

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

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

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

**1 Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

**2 Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

**3 Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

**4 Declarations of Interest**

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

**5 Minutes of Previous Meeting**

No minutes are presented for approval at this meeting.

**6 Have Your Say! (Hybrid Council meetings)**

Members of the public may make representations to the meeting. This can be made either in person at the meeting, or by joining the meeting remotely and addressing the Committee via Zoom. Each representation may be no longer than three minutes. Members of the public wishing to address the Committee remotely may register their wish to address the meeting by e-mailing [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk) by 12.00 noon on the working day before the meeting date. In addition, a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

There is no requirement to pre-register for those attending the meeting in person.



**7 Verbal update from the Council's S151 Officer with regard to the Council's statement of accounts.**

The Committee will receive a verbal update from the Council's S151 Officer with regard to the Council's statement of accounts.

**8 Housing Overview Report**

9 - 16

The Committee will consider a report setting out the approach to assessing the condition of the Council's housing stock, and how this informs the 5 and 30 year investment programmes. The report also provides the current regulatory and legislative context regarding damp and mould in social housing as well as the position with regard to damp and mould in the Council's own housing stock.

**9 Review of the Council's Ethical Governance Policies**

17 - 134

The Committee will consider a report requesting it to review the Council's updated Ethical Governance policies. These are the key policies which set out the standards of conduct and integrity that the Council expects of councillors, staff, partners, suppliers and customers when conducting Council business.

**10 Annual review of the Members' Code of Conduct and the Council's Localism Act Arrangements**

135 -  
158

The Committee will consider a report requesting it to review the Councillors' (Members') Code of Conduct, and the Council's Localism Act Arrangements for dealing with complaints made regarding Councillors.

- |    |  |              |
|----|--|--------------|
| 11 | <b>Review of Local Code of Corporate Governance 2023/24</b>  | 159 -<br>200 |
|    | The Committee will consider a report requesting that it reviews the Local Code of Corporate Governance for 2023/24. The Local Code of Corporate Governance is how the Council demonstrates that its structures comply with the recognised principles of good governance.   |              |
| 12 | <b>Review of the Member / Officer Protocol</b>   | 201 -<br>212 |
|    | The Committee will consider requesting that it review the Member / Officer Protocol, which provides a framework for good working relationships between Councillors and Officers, and which is included in the Constitution.  |              |
| 13 | <b>Gifts and Hospitality – Review of Guidance for Councillors and Policy for Employees</b>   | 213 -<br>224 |
|    | The Committee will consider a report requesting that it approved updated guidance for Councillors regarding any gifts and hospitality received in their role as a Councillor, as well as an updated policy for employees in relation to any gifts and hospitality received.  |              |
| 14 | <b>Work Programme 2023-2024</b>  | 225 -<br>228 |
|    | The Committee will consider a report setting out its work programme for the current municipal year.  |              |
| 15 | <b>Exclusion of the Public (not Scrutiny or Executive)</b>   |              |
|    | In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972). |              |

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







## Governance and Audit Committee

Item  
**8**

Date: 13 December 2023

<b>Report of</b>	<b>Chief Executive Colchester Borough Homes</b>	<b>Author</b>	<b>Director of Operations and Head of Assets ☎ 282919</b>
<b>Title</b>	<b>Overview report of the standard of the Council's housing stock and damp and mould issues</b>		
<b>Wards affected</b>	All wards		

### 1. Executive Summary

This report sets out the approach to assessing the condition of the Council's housing stock and how this informs the 5 and 30 year investment programmes. The report also provides the current regulatory and legislative context regarding damp and mould in social housing as well as the position with regard to damp and mould in the Council's own housing stock.

### 2. Council Housing Stock Condition

The primary objective of Colchester Borough Homes' stock condition survey process is to ensure accurate and up-to date information about the condition of the Council's housing stock. This information is crucial for making informed decisions related to maintenance, replacement, and overall management of the stock.

The 5 year rolling programme of stock condition surveys aligns with sector best practice. Regular surveys contribute to proactive improvement and maintenance strategies, minimising the risk of unexpected issues and informing the capital works programme.

#### 2.1 Progress against stock condition survey programme

As of end of October 2023, 76% of the stock has been surveyed within the last five years. These surveys have been carried out since September 2021 and represent a significant acceleration to the programme (programmed quantity is 55%). 3.75% of the stock was last surveyed during 2017/18, and 20.25% of the stock was last surveyed during 2018/2019.

The programme was severely impacted by the COVID 19 pandemic. We are working with our current surveying consultant to accelerate the programme further and they are resourced to complete 100 surveys per week from this point forward. Subject to receiving the necessary access from tenants, we have a plan to enable us to have 100% of surveys completed within a 5 year period by the end of 2023/24.

#### 2.2 Stock Condition Survey Process

The stock condition survey process is a comprehensive procedure designed to assess the condition of properties, ensuring accuracy and reliability in the gathered data. The process involves the following key steps:

- **Identification of Properties and Survey Creation;** Properties are identified for survey based on rolling 5-year programme. Surveys are created within NEC with key questions generated designed to capture relevant information about each property.
- **Surveys generated;** Three surveys are generated per property:
  - External Survey - Focuses on the external condition of the property, including the building structure, roof, and external features.
  - Internal Survey - Examines the interior of the property, evaluating the condition of elements such as kitchens and bathrooms, plus other internal components, and elements.
  - Housing Health and Safety Rating System (HHSRS) Survey - Assesses the property against the HHSRS to identify potential hazards affecting the health and safety of occupants.
- **Surveys Conducted on NEC Mobile;** Surveys are conducted using the NEC Mobile platform for efficiency and consistency. Upon completion, surveys are initially held at a 'pending' status, indicating that they are awaiting further review.
- **Desktop Review of Data and 'Approved' Status;** A desktop review of the collected survey data is conducted to ensure completeness and accuracy. Once the review is satisfactory, surveys are released to an 'approved' status.
- **Resolution of Anomalies/Concerns;** Any anomalies or concerns identified during the review process are addressed and resolved promptly to enhance data quality.
- **Random Selection of 5% for Audit Surveys;** These selected surveys are issued to a different surveying consultancy to conduct audit surveys, ensuring inter-rater reliability. Results of the audit surveys are thoroughly reviewed to identify any discrepancies or inconsistencies.

Anomalies or concerns arising from the audit process are addressed and resolved. The survey audits completed to date show that 88% of the surveys completed have the same findings from both consultants, the remaining 12% highlighted discrepancies due to changes in the data arising from completed capital works etc. which occurred between the completion of each survey. The discrepancies were all resolved through a data cleansing exercise and there was no need to revisit the findings with either consultant.

- **Final Approval and Data Release;** After resolving any outstanding issues from the desktop audit, the data from the stock condition surveys is considered final.

By following this structured stock condition survey process, Colchester Borough Homes ensures that the collected data is accurate, reliable, and reflective of the true condition of the surveyed properties. The inclusion of audit surveys adds an extra layer of quality control and assurance, contributing to the overall effectiveness of the survey process.

## 2.3 5 and 30 year Capital Works Programme

The data collected during the surveys has been reviewed for accuracy. CBH's teams have employed rigorous validation processes to minimise errors and ensure the reliability of the information. All survey findings are entered into the NEC Asset Database. The data stored against the assets is then used to inform the capital works budget and programme every year. Stock condition surveys play a crucial role in informing the 5 and 30 year Capital Works program by providing essential data and insights into the condition of various asset elements. The process involves the following key steps:

- **Asset Element Updates;** Stock condition surveys involve a comprehensive examination of different asset elements which make up the properties. The surveys collect data based on current condition, performance, and remaining life of each asset element.
- **Remaining Life Assessment;** Surveyors review the collected data to assess the remaining life of each asset element. This involves considering factors such as wear and tear, maintenance history, and the expected lifespan of the materials used. Remaining life is a critical parameter that helps in predicting when an asset element is likely to require replacement or major maintenance.
- **NEC Mobile Updates;** The data collected from stock condition surveys is then updated in a digital platform (NEC mobile).
- **NEC Assets Integration;** NEC Assets, another module of the system, utilises the information from NEC mobile. The remaining life data is particularly important in this step. The system places each asset element within the relevant year of the 5 and 30 Capital Works program based on its expected remaining life.
- **Cost Calculation;** NEC Assets applies the average cost of replacement for each asset element to calculate the projected cost by year. This involves estimating the cost of replacing the element at the time when it is expected to reach the end of its useful life.

By forecasting costs based on the remaining life of each asset element, the 5 and 30 Capital Works programme can allocate resources efficiently and prioritise projects that are most critical or time sensitive.

In summary, stock condition surveys provide the foundational data that informs the entire lifecycle management process. From assessing the current state of asset elements to predicting their future condition and associated costs, this systematic approach ensures that the 5 and 30 year Capital Works program is well informed and strategically planned for the optimal management of assets over time.

## 2.4 Example of output from 30-year plan

The table below provides an example of some key elements indicating when they will require replacement and the associated cost. This data is combined with team knowledge of known issues etc. and forms the base for the formation of the 5 and 30 year investment plan.

Sample of 30 year plan based on 'Just in Time' replacements										
Element Description	Year 1		Year 2		Year 3		Year 4		Year 5	
	£	Properties	£	Properties	£	Properties	£	Properties	£	Properties
Bathrooms	544,400	80	329,600	52	230,800	38	416,400	62	421,800	67
External Doors	7,600	6	113,300	82	144,400	110	33,500	25	61,900	49
Heating	234,148	96	718,868	305	1,132,918	490	684,650	239	751,354	308
Kitchens	1,708,400	282	4,881,100	812	4,280,100	714	2,624,300	440	617,300	103
Roofs	3,270,385	98	1,907,429	192	2,270,822	109	1,035,112	70	1,103,338	88
Windows	0	0	29,500	6	28,000	6	11,000	3	33,000	4
<b>Totals</b>	<b>5,764,933</b>	<b>562</b>	<b>7,979,797</b>	<b>1,449</b>	<b>8,087,040</b>	<b>1,467</b>	<b>4,804,962</b>	<b>839</b>	<b>2,988,692</b>	<b>619</b>

The costs as shown are based on 'Just in Time' replacements of elements which closely aligns with the findings of the stock condition surveys. It is important to note that the 30 year plan will also be smoothed out to balance expenditure across the 5 and 30 year investment period (e.g. to help reduce spikes in kitchen replacements as can be seen in years 2 & 3 above). The principle applied involves moving elements forward within the plan.

The proposed Capital Works programme informs the Housing Revenue Account Business Plan.

## 2.5 Just in Time and Planned Replacements

Just-in-Time (JIT) replacement and Planned replacement are two different approaches to managing the replacement of elements in a system, and NEC can generate reports based on both of these. The key distinction between them lies in the criteria used to determine when to replace the elements. JIT replacement focuses on responding to the real-time condition of elements and is informed through the stock condition survey process, while planned replacement adheres to a predetermined schedule based on the expected lifespan of the elements.

Each method carries associated risks, JIT represents a lower risk as replacement is driven by current condition, however, it is more likely to require higher levels of investment. Planned has a higher risk if elements do not reach their anticipated life. Formation on a budget/plan based on planned replacement data is also more likely to result in a shortfall between available funds and required works.

## 2.6 Net Zero Carbon Targets

The costs generated through the 30-year plan do not include the works required to achieve Net Zero Carbon.

The projected expenses for the Net Zero Carbon initiatives, based on 'Parity Portfolio' (Energy modelling software) data, are outlined as follows:

- Phase 1 (achieving a minimum EPC band C by 2030): £3.5 million
- Phase 2 (targeting net zero of an average heat load of 45kWh/m2): £94m (assuming 40% funding achieved)

The second phase is due to be delivered in the last decade of the 30 year plan due to the expectation that achieving this goal relies more heavily on technological solutions and successful grant funding applications. Efforts to secure funding for the phase 2 initiatives will be actively pursued wherever possible. However, recent experience, particularly from a Social Housing Decarbonisation Fund Wave 2.1 bid, suggests that the available funding is likely to be less than 45% of the total project cost. Colchester City Council (along with many other landlords) will face a significant financial challenge to meet the 2050 net zero target.

### **2.6.1 Progress against Phase 1**

An EPC (Energy Performance Certificate) is a document that shows how energy-efficient a property is on a scale from A to G, with A being the most efficient and G the least. The target as stated above is a minimum EPC rating of 'C' for properties (where practical, cost-effective, and affordable) by the year 2030. Achieving an EPC rating of 'C' or higher is indicative of good energy efficiency and reduced environmental impact.

Our current position is very positive, over 86% of the Council's homes already have an EPC rating of 'C' or above. Alongside our existing capital works programme which achieves steady improvements to the EPC rating of our stock, Colchester City Council has been awarded £1 million from the Social Housing Decarbonisation Fund to enhance the energy efficiency of 105 properties.

### **2.7 Progress against the Decent Home Standard**

As of end of October 2023 our progress towards achieving the Decent Home Standard has been significant, with 95% of properties meeting the standard. The categorisation of 5% of properties as non-decent based solely on the age of elements underscores our commitment to transparency in our assessment. It is essential to note that addressing this specific aspect of property conditions is part of our ongoing programme. We are actively working on targeted works to improve the required elements, ensuring that every property meets the Decent Home Standard with a target of 100% decent homes by 31 March 2024.

## **3. Damp & Mould Issues**

**3.1** Damp and mould has been an issue in housing for many years but it has not always received the focus and attention that it rightly deserves. The tragedy in 2020, where Awaab Ishak lost his life due to conditions contributed by damp and mould in his home in Rochdale, brought the situation to the forefront of the political agenda and has resulted in regulatory changes to drive improvements in the conditions of homes provided by landlords.

Together with the re-focus on damp and mould, the current cost of living crisis has exacerbated the situation with many households not being able to afford to heat their homes. A lack of heating within the home contributes significantly to condensation and if this is not managed effectively, it will result in condensation-based mould.

In response to Awaab Ishaks death and the coroner's prevention of future deaths report, the Government has recently issued guidance on understanding and addressing the health risks of damp and mould in the home.

**3.2** The Governments guidance highlights the significant affect that damp and mould can have on the physical and mental health of tenants. Everyone is vulnerable, but people with

certain health conditions, children and older adults are at greater risk of more severe health impacts. Tenants' mental health can also be affected, for example from worrying about the health impacts of damp and mould, unpleasant living conditions, and destruction of property and belongings. The guidance also sets suggested landlord obligations. Responding to reports of damp and mould – all landlords should, for example:

- respond sensitively and urgently to identify the severity of any damp and mould and risks to tenants.
- tackle the underlying issue promptly and act with urgency on concerns around tenant health.
- ensure tenants are kept informed on steps to address damp and mould.
- identify and tackle the underlying cause(s) including building deficiencies, inadequate ventilation, and condensation - simply removing surface mould does not prevent reappearance.
- undertake timely inspection following remedial work to ensure the underlying issue has been addressed, undertaking further investigation and intervention for any reappearance, and
- take a proactive approach to reduce the risk of damp and mould (with a number of examples of how to do this provided in the guidance)

**3.3** Damp and Mould is considered within the Housing Health and Safety Rating System (HHSRS) where any occurrences can be rated using a risk assessment-based system. Where the scoring reaches a significant score, it can be rated as a “Category 1” hazard meaning it has the potential to cause harm to health / life. Any category 1 hazards deem the property as a Decent Homes failure and need to be acted on swiftly.

Section 11 of the Landlord & Tenants Act implies a repairing covenant and Section 4 of the Defective premises Act extends duties to all landlords that have repair obligations under a tenancy including that all tenants are reasonably safe. The Homes (Fitness for human habitation) Act states that any rented home should not have any hazards.

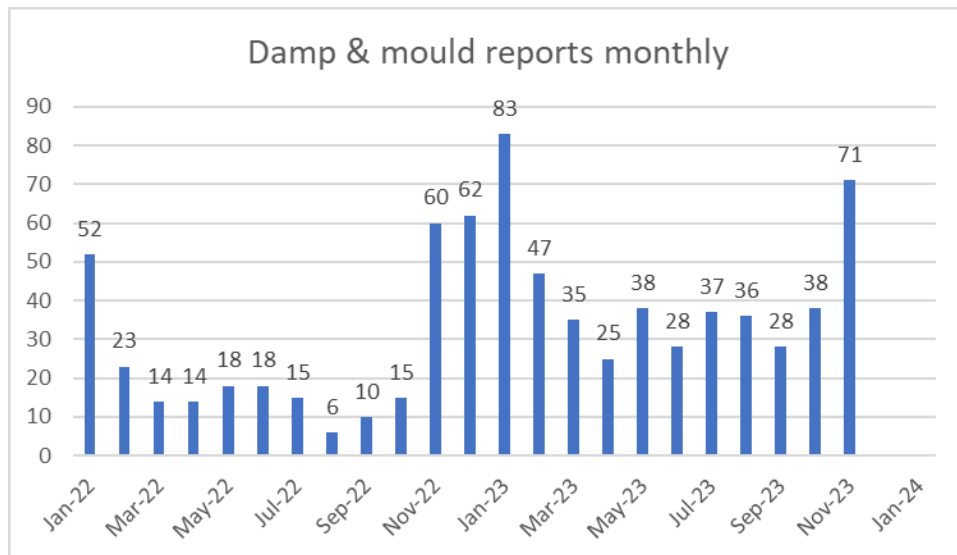
Following the death of Awaab Ishak, updates were proposed to the Social Housing (Regulation) Bill to include Awaab’s Law. It is anticipated that Awaab’s law will bring in a stringent set of timescales for the survey and resolution of any damp and mould related issue.

### **3.4 Current position – Colchester Borough Homes**

The increase in reports of damp and mould has had a significant impact on resources and CBH have looked to combat these issues by a range of measures including:

- employing an additional Surveyor and allocating admin resource.
- appointing a specialist damp contractor to respond to reports of damp and mould and resolve any issues.
- issuing a condensation guide for tenants and supporting the most vulnerable with help via our financial inclusion team.
- broadening the skills of staff and contractors to identify any damp and mould issues when visiting tenants - in doing this CBH can proactively respond to resolve the problems.

The following shows the number of cases of damp and mould reported to CBH and how these have increased in the last 18 months:



### 3.5 Predictive modelling

CBH have commenced works toward building a predictive model on damp and mould within our stock and we're working with Parity (software company who provide Portfolio), and Switchee (providers of smart thermostat devices being fitted to 10% of properties).

Data has been collected and we are utilising 'Portfolio' to assess property profiles and identify common factors contributing to damp and mould issues such as construction type, age, location, and historical damp and mould occurrences. These groups will serve as the basis for further analysis. This will allow CBH to compare different property profiles and understand the patterns that contribute to damp and mould problems including property characteristics, geographical location, tenant demographics, and the severity of the reported issues.

We are also able to obtain enhanced data through the Switchee devices because these carry out real time monitoring of factors such as humidity levels, and time taken to heat a property. We will also integrate property profile data with vulnerability data assessed by the Business Intelligence team and this will include socio-economic factors, tenant behaviour, and any other relevant information that may contribute to the risk of damp and mould.

The continued collaboration between different teams, including Housing Management, Business Intelligence, Repairs and Asset Management data will also be crucial for successful predictive modelling to help us combat damp and mould issues before they present a risk to our residents. Another key component will be 'proof of concept', and it will be important to ensure that we visit properties which are identified as being on both ends of the risk scale to ensure that the findings are representative of real-world experience.

### 3.6 Damp and mould audit

CBH has recently had an internal audit performed on our damp and mould service. The outcome of the audit was positive with the second (of four) highest rating of "reasonable"

assurance provided. Three important actions and one routine action were recommended in the audit. One important action has already been completed (to complete an operational plan to address mould and damp repair backlogs). The remaining actions are in hand, and all are planned to be completed by 31/01/2024.

#### 4. Recommendations

Subject to any questions or comments, Committee is asked to:

- **NOTE** the current position regarding the stock condition surveying process and the condition of the Council's housing and that the process has been effective in providing reliable data on the state of the Council's housing stock. The proactive approach taken thus far demonstrates a commitment to maintaining the integrity of our data.
- **NOTE** the current regulatory and legislative context regarding damp and mould in social housing as well as the position with regard to damp and mould in the Council's own housing stock.



13 December 2023

Report of	<b>Head of Governance and Monitoring Officer</b>	Author	<b>Andrew Weavers</b> ☎ 282213
Title	<b>Review of the Council's Ethical Governance Policies</b>		
Wards affected	Not applicable		

**1. Executive Summary**

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

**2. Recommended Decisions**

2.1 To review the following revised policies:

- Anti-Fraud and Corruption Policy
- Whistleblowing Policy
- Anti-Money Laundering Policy
- Covert Surveillance Policy
- Data Protection Policy
- Acceptable Use Policy
- Information Security Policy
- Retention Policy
- Processing of Special Category & Criminal Convictions Personal Data Policy
- Password Policy
- Income and Debt Policy

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

**3. Background**

- 3.1 The Council is committed to maintaining the highest standards of governance including the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly, openly and accountably in order to protect public safety and public money.
- 3.2 A varied range of policies and procedures form the Corporate Governance framework and a selection of these relate to Ethical Governance - those specifically regarding conduct and integrity.
- 3.3 The Ethical Governance policies set out the standards of conduct and integrity that it expects from staff, elected members, suppliers, partners, volunteers and the public. Breaches of the policies will be pursued and procedures have been introduced to enable

any person to raise genuine concerns they may have about the conduct of anybody acting for or on behalf of the Council.

- 3.4 At its meeting on 1 December 2022 Full Council adopted a statement of intent in relation to both Ethical and Corporate Governance which gave a high organisational commitment to zero tolerance of fraud, corruption and bribery. The statement of intent is attached at Appendix 1.

#### 4. Review of Ethical Governance Policies

- 4.1 The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Covert Surveillance, Information Security, Data Protection, Acceptable Use, Data Retention, Processing of Special Category & Criminal Convictions Personal Data, ICT Password and Income and Debt policies were last reviewed by this Committee at its meeting on 22 November 2022. The Ethical Governance policies were subsequently adopted as part of the Council’s Policy Framework by Full Council.

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

<b>Policy</b>	<b>No. of times invoked during 2021/22</b>	<b>No. of times invoked during 2022/23</b>	<b>Whether procedures effective</b>
Anti-Fraud and Corruption	None	None	n/a
Whistleblowing	None	2	yes
Anti-Money Laundering	None	None	n/a
Covert Surveillance	None	None	n/a
Information Security	None	None	n/a
Data Protection	21	23	yes
Acceptable Use	None	None	n/a
Data Retention	None	None	n/a
Special Data Policy	None	None	n/a
Password Policy	-	None	n/a

- 4.2 The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Covert Surveillance, Information Security, Data Protection, Acceptable Use, Data Retention and Processing of Special Category & Criminal Convictions Personal Data, ICT Password and Income and Debt policies have all been reviewed to ensure that they remain fit for purpose and no changes are proposed to these policies which are appended to this report.
- 4.3 The Council’s Covert Surveillance Policy and procedures were the subject of a recent inspection by the Investigatory Powers Commission Office. Local Authorities are subject to a triennial review of their procedures. The Inspection concluded that the Investigatory Powers Commissioner was satisfied that the Council satisfactorily demonstrated compliance with the legislative requirements. The opportunity was also taken to provide refresher training for key officers.
- 4.4 The Monitoring Officer writes an annually to both Members and Officers reminding them of their obligations regarding the Anti-Fraud and Corruption and Whistleblowing policies. Councillors and staff have recently received updated data protection and cyber security training from the Council’s IT team.
- 4.5 The Income and Debt Policy has been reviewed and there are no proposed changes. The processes are still relevant and meet legislative requirements, whilst supporting strong collection rates.

- 4.6 The Council continues to achieve high collection rates for Council Tax and Business Rates. The teams are working to support customers through the cost of living crisis and are adapting processes where necessary to do this.
- 4.7 The Council will continue to improve processes, making payment options simple for residents and businesses and encouraging customers to contact as soon as possible if they are suffering financial difficulties.

## **5. Strategic Plan References**

- 5.1 The Council's governance arrangements form part of the Council's commitment to delivering modern services for a modern city which underpins the Council's Strategic Plan vision.

## **6. Publicity Considerations**

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

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

- 7.1 None.

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

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

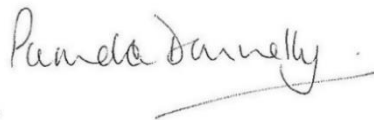
The Council expects the highest standards of conduct and integrity from all that have dealings with it including staff, elected members, suppliers, partners, volunteers and the public. Therefore, policies have been put in place to outline the standards required and procedures have been introduced to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

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

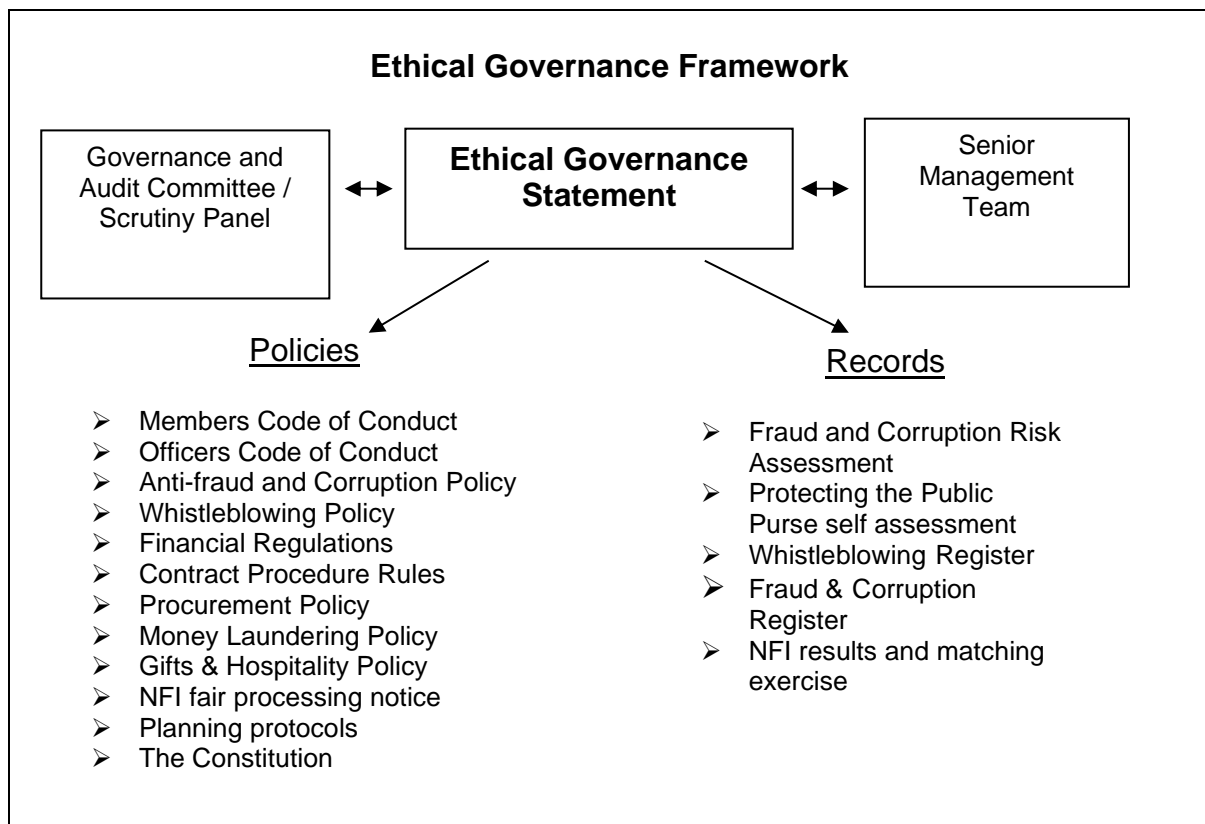
We will take all reasonable steps to ensure that concerns are investigated, and appropriate action taken where necessary. There will be no distinction made in investigation between cases that generate financial benefits and those that do not.



David King  
Leader of the Council



Pamela Donnelly  
Chief Executive





Colchester  
City Council

# Anti-Fraud and Corruption Policy

## 2023/24

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

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

November 2023

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## ANTI-FRAUD AND CORRUPTION POLICY

### 1.0 INTRODUCTION

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

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

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

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

### 2.0 OVERVIEW

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

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

Fraud and corruption are defined as:

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

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

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

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

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

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

### 3.0 CULTURE

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

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

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

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

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

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



## **4.0 RESPONSIBILITIES AND PREVENTION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- require any employee of the Council to account for cash, stores or any other Council property under their control or possession

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

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

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

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

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

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

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

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

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

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

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

#### **4.12 Official Guidance**

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

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

## **5.0 DETECTION AND INVESTIGATION**

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

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

Detailed guidance on the investigation process is available separately.

### **5.1 Disciplinary Action**

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

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

### **5.2 Prosecution**

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

### **5.3 Publicity**

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

All anti-fraud and corruption activities, including the update of this policy, will be publicised.

## **6.0 AWARENESS AND MONITORING**

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

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

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





Colchester  
City Council

# ICT Password Policy

August 2023

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

# ICT Password Policy

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

## CONTEXT

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

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

## RELEVANT PRINCIPLES OF DATA PROTECTION

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

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

## PASSWORD COMPLEXITY REQUIREMENTS

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

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

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



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

Never use the following personal details for your password:

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

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

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

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

## SYSTEM SETTINGS

The following system settings relate to passwords;

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

## POLICY REVIEW

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

## FURTHER INFORMATION

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

VERSION CONTROL

Purpose:	To specify the Council requirements for passwords
Status:	Draft
Final date:	
To be reviewed:	August 2024





Colchester  
City Council

# Income and Debt Policy November 2023

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

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## 1. Introduction

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

## 2 Policy Aims

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

## 3. Billing and Invoicing Arrangements

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

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

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

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

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

## 4. Methods of payment

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

4.2.1 The Council’s preferred methods of payments are:

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

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

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

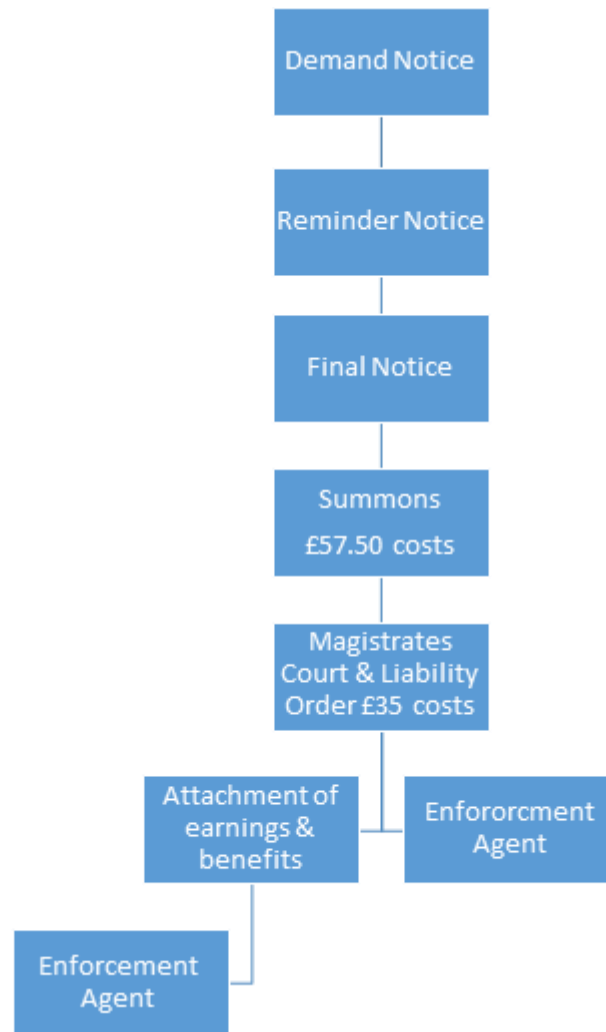
4.5 The Council will support customers to switch to the preferred payment methods including:

- Proactive customer contact by phone and letter
- Bulk text messages and emails
- Direct Debit promotional campaigns

## 5. Recovery of unpaid debts

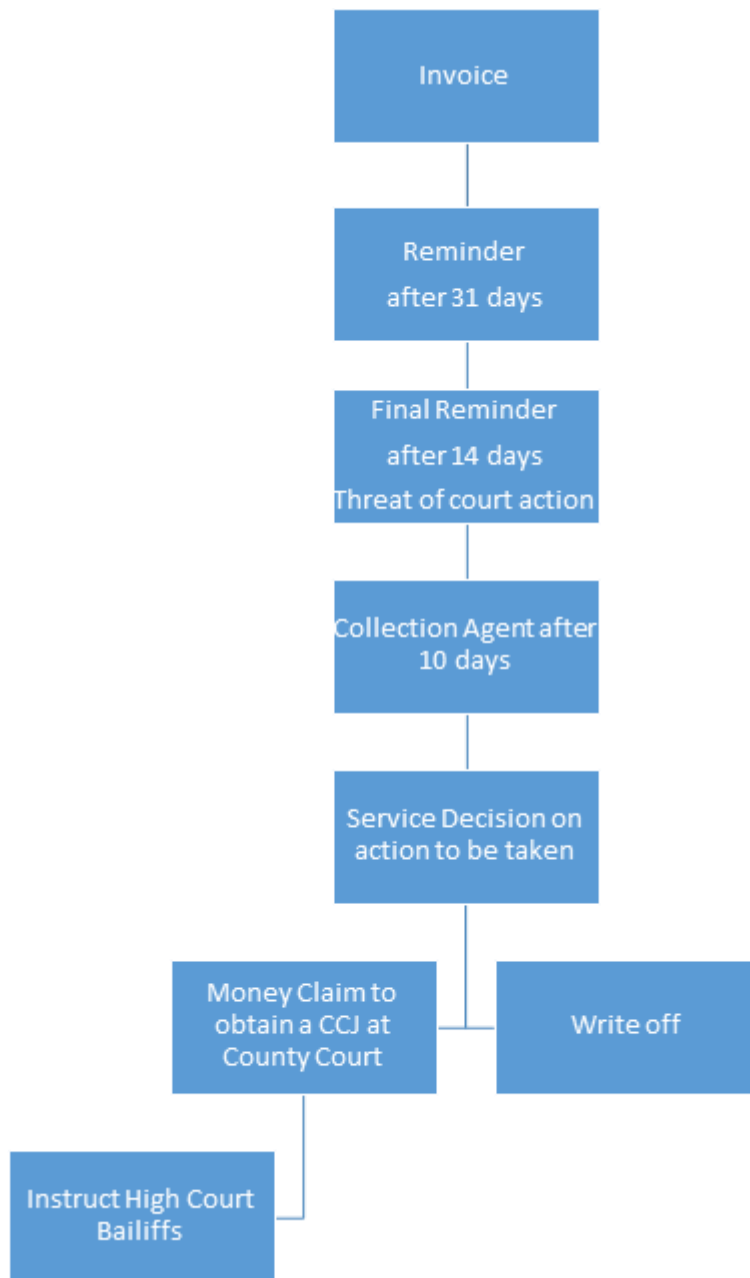
- 5.1 For a variety of reasons, revenue due to the Council will not be paid as requested. The Corporate Debt Team and individual services must undertake recovery action as soon as possible to maximise the probability of debt recovery.
- 5.2 Reminders will use nudge and persuasive techniques that are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

## 6. Council Tax and Business Rates Process



## 7. Sundry Debt Processes

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



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

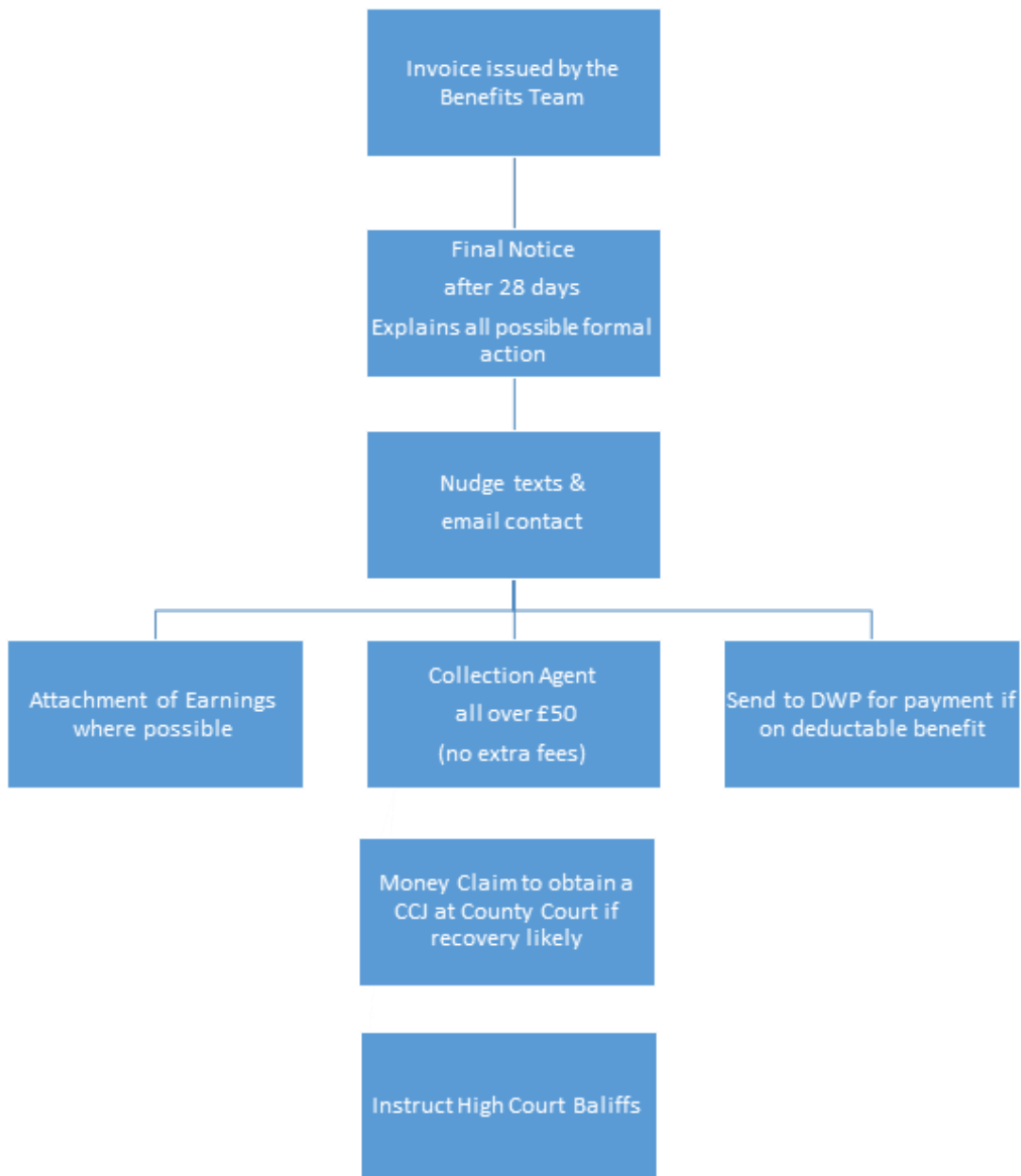
## 8. Housing Benefit Overpayment Process

8.1 A Housing Benefit Overpayment is where an individual has been overpaid benefit for a period that they were not entitled.

8.2 A deduction from the claimant’s weekly Housing Benefit shall be set following Housing Benefit Regulations. The claimant will receive notification that the overpayment will be recovered in this way.



8.3 Where recovery is not possible from existing Housing Benefit an invoice is issued to the claimant or landlord depending on who is liable. The Income Management Team will make use of landlord ‘blameless tenant’ recovery in cases where the debt is a landlord overpayment and that landlord has other tenants receiving Housing Benefit. The landlord will be notified that we are to recover the overpayment from the claimant and vice versa.



## 9. Enforcement

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

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

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

## **9.2 Enforcement Agents**

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

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

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

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

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

## **9.4 Bankruptcy Proceedings/Liquidation**

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

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

The following factors must be considered:

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

## **9.5 Charging Orders on Property**

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

## **9.6 Committal Proceedings**

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

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

## 9.7 Money Claim

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

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

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

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

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

Considerations may include:

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

For business debts considerations may include:

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

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

- Holding enforcement action once a customer makes contact to inform of a difficulty in making payment.
- Voluntary payment solutions considered in preference to statutory or civil remedies as a first stage.
- Past history of payments should be considered when making a decision to proceed with enforcement action.
- Where a payment solution is agreed this should be confirmed in writing by the Council including any action that will be taken should the agreed payments not be made.
- Payment solutions should be made with an agreed up-front payment from the debtor whenever possible.
- Where a payment solution cannot be agreed, the debtor will be advised of the reasons why and that the recovery process will continue should an alternative arrangement not be made.

## 11. Debt Advice

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

To be referred the customer must meet eligibility criteria:

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

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

## 12. Breathing Space

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

## 13. Tracing and Searches

- 13.1 As part of the recovery process a number of traces and searches can be carried out to try and establish further information on a debtor. This is particularly useful when we have no forwarding address for someone who has moved home before settling a debt.
- 13.2 Locating Council Tax Absconders (LOCTA) is a local government tracing tool that provides a suite of information including, forwarding address, DWP information, credit reports and telephone numbers.
- 13.3 If a LOCTA search is unsuccessful the Council may use a Credit Referencing Agency to trace an individual. The Data Protection Act section 29 allows Local Authorities to credit check and search individuals in regard to the collection of Tax.
- 13.5 The use of internet searches and Social Media to access information in the public domain is also very useful, particularly in establishing employment details for attachment of earnings.
- 13.6 We can also use a Customer Information System (CIS) check that allows certain authorised officers to search DWP database. This information can only be used for the recovery of Housing Benefit Overpayments.
- 13.7 If necessary the Council may ask a Revenues Inspector to carry out a visit to establish the status of a property.
- 13.8 For Housing Benefit Overpayments, HMRC will provide employment details to enable attachment of earnings where appropriate.

## 14. Bad debts

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

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

14.2 Where it is considered that a debt is a bad debt the Council will ensure that it is written off promptly to preserve and maintain the principle of accurate and up to date information. Decisions will be made based on the circumstances that exist at the time and any unusual circumstances should be referred to the Head of Service or Portfolio Holder. Governance and Audit agreed to increase officer write off limits annually by RPI, subject to the index increasing enough to justify a £1,000 step, please refer to current financial regulations.

<i>Debt Value</i>	<i>Process</i>	<i>Authorised Person</i>
<b>Up to £100</b>	Write off on the system with screen notes using write off code	Corporate Debt/Revenues Officer
<b>£101 to £1,000</b>	As above. Payments Manager to carry out spot checks and record for audit purposes.	Corporate Debt/Revenues Officer Payments Manager
<b>£1,000 - £12,000</b>	Detailed system checks/searches carried out. If unsuccessful and investigation form is complete and signed. Investigation forms scanned and front schedule to be signed.	Payments Manager S151 Officer
<b>Over £12,000</b>	A Portfolio Holder report must be complete with details of individual write-offs	Portfolio Holder

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

## 15. Complaints and errors

15.1 If an error or mistake is made in the process of recovering debt the account will reviewed and appropriate action taken.

15.2 If a customer is unhappy with the service provided or disagrees with the decisions made they are able to complain through the Councils standard complaints procedure. Details of this can be found on the Council website - <http://www.colchester.gov.uk/complaints>.

- 15.3 During the process of enforcing payment of outstanding debts it is possible that evidence or facts emerge after enforcement proceedings have been taken or have been completed.
- 15.4 In these cases the Council will take appropriate action to remedy the situation as far as possible:
- Proceedings will be stopped immediately
  - The debtors account will be noted to reflect the revised situation
  - Where appropriate the Court involved will be advised
- 15.5 Although the Council will make every effort to resolve a misrepresentation of the true situation, some issues can only be resolved by reference to the Courts.

## Appendix 1

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

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

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

#### Mortgages

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

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

#### Shared ownership cases

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

## Appendix 2

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

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

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

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





# Whistleblowing Policy

## 2023/24

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

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## WHISTLEBLOWING POLICY

### 1.0 Introduction

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

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

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

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

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

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

### 2.0 Aims and Scope of the Whistleblowing Policy

This policy aims to:

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

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

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

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

This concern may be about something that:

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

### **3.0 Safeguards**

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

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

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

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

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

### **3.2 Confidentiality**

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

### **3.3 Anonymous Allegations**

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

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

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

### **3.4 Untrue Allegations**

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.0 How the Council will respond

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

Where appropriate, the matters raised may be:

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

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

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

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

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

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

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

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

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

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

## **6.0 The Responsible Officer**

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

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

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

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

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

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

**8.0 Questions regarding this policy**

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

**9.0 Review**

This policy will be reviewed annually.





# Anti-Money Laundering Policy

## 2023/24

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

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## ANTI-MONEY LAUNDERING POLICY

### 1. Introduction

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

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

### 2. Scope of the Policy

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

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

### 3. Definition of Money Laundering

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

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

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

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

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

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

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

The main requirements of the legislation are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- any identification evidence held.

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

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

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

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

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

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

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

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

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

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

## 9. Training

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

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

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

## **10. Conclusion**

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

## **11. Review**

This policy will be reviewed annually.

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Appendix 1

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

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

**DETAILS OF SUSPECTED OFFENCE:**

**Name(s) and address(es) of person(s) involved:**

*[If a company / public body please include details of nature of business]*

**Nature, value and timing of activity involved:**

*[Please include full details e.g. what, where, how. Continue on a separate sheet if necessary]*

**Nature of suspicions regarding such activity:**

*[Please continue on a separate sheet if necessary]*



---

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

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

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

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

---

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

**If yes, please specify below:**

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

**If yes, please set out full details below:**

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

Yes

No

*[Please tick relevant box]*

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

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

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

**Signed:** .....

**Dated:** .....



CONFIDENTIAL

Appendix 1

**REPORT TO MONEY LAUNDERING REPORTING OFFICER**

**RE: SUSPECTED MONEY LAUNDERING ACTIVITY**

**To:** Monitoring Officer, Money Laundering Reporting Officer

**From:** ..... *[Name of employee]*

**Department:** ..... *[Post title and Service Area]*

**Tel No:** .....

**Email:**

**DETAILS OF SUSPECTED OFFENCE:**

**Name(s) and address(es) of person(s) involved:**  
*[If a company / public body please include details of nature of business]*

**Nature, value and timing of activity involved:**  
*[Please include full details e.g. what, where, how. Continue on a separate sheet if necessary]*

**Nature of suspicions regarding such activity:**  
*[Please continue on a separate sheet if necessary]*

---

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

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

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

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

---

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

**If yes, please specify below:**

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

**If yes, please set out full details below:**

Are you involved in a transaction which might be a prohibited act under sections 327-329 of the Act and which requires appropriate consent from the NCA Yes  No

*[Please tick relevant box]*

If yes, please include details below:

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

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

**Signed:** .....

**Dated:** .....





# Code of Practice on Covert Surveillance 2023/24

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

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# CODE OF PRACTICE ON COVERT SURVEILLANCE

## 1.0 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **2.1 Directed surveillance**

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

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

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

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

### **2.2 General observations**

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

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

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

### 2.3 Intrusive surveillance

"Intrusive Surveillance" is surveillance that is:

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

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

### 2.4 Covert Human Intelligence Sources

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

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

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

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

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

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

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

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

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

### 3.0 Areas of operation

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

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

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

### 4.0 AUTHORISATION AND AUTHORISING OFFICERS

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

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

Chief Executive;  
Deputy Chief Executive and Executive Director Place; and  
Chief Operating Officer.

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

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

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

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

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

## 5.0 CRIME THRESHOLD

The Code of Practice states that the Council:

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

## 6.0 GROUNDS FOR GRANTING AN AUTHORISATION

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

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

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

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

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

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

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

## 7.0 PROCEDURE FOR AUTHORISATIONS, CANCELLATIONS AND RENEWALS

### 7.1 Authorisations

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

Authorisations must be in writing on the form attached.

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



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

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

## 7.2 Magistrates' Approval

Once an authorisation form has been completed Legal Services will:

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

The Justice of the Peace may decide to either:

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

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

## 7.3 Review

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

## 7.4 Renewals

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

## 7.5 Cancellations

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

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

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

## 7.6 Audit

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

## 8.0 MISCELLANEOUS POINTS

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

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

### 8.2 CCTV

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

## 9.0 SOCIAL MEDIA

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

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

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

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

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

## **10.0 TRAINING**

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

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

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

## **11.0 GENERAL BEST PRACTICES**

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

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

## **12.0 SENIOR RESPONSIBLE OFFICER**

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

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

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

## 13.0 COMMUNICATIONS DATA

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

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

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

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

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

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

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

## 14.0 COMPLAINTS

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

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

## 15.0 QUERIES ABOUT THIS CODE OF PRACTICE

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

## 16.0 REVIEW

This Code of Practice will be reviewed annually.





# Use of Social Media in Investigations Policy and Procedure

2023/24

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

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

# USE OF SOCIAL MEDIA IN INVESTIGATIONS

## POLICY AND PROCEDURES

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## **1.0 INTRODUCTION & BACKGROUND**

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

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

- 2.1 With the increasing use of smartphones and personal devices, there is a significant amount of information on an individual's Social Media pages. This information might be relevant to an investigation being undertaken by

the Council. However, unguided research into the sites of suspects could fall within the remit of RIPA and therefore require authorisation prior to it being undertaken. Officers should therefore seek advice from Legal Services prior to undertaking any investigation using Social Media sites.

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

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

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

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

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

Facebook	Twitter or X	Instagram
LinkedIn	Pintrest	Tumblr
Reddit	Flickr	Google+

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

#### 4.0 PRIVACY SETTINGS

4.1 The majority of Social Media services will allow its users to decide who can view their activity, and to what degree, through the use of privacy settings. Whilst some users are happy, or otherwise indifferent about who is able to view their information, others prefer to maintain a level of privacy.

4.2 Depending on their intentions, many users will purposely use Social Media with no privacy setting applied whatsoever. This could be due to the fact that they are actively promoting something, such as a business or event, and therefore require as many people as possible to be able to view their Social Media profile at all times; others may do so for reasons of self-promotion or even vanity. The information publicly available is known as an individual's public profile.

4.3 Those individuals with public profiles who operate on Social Media without any, or only limited, forms of privacy settings being activated do so at their own risk. Often, Social Media sites will advise its users through its terms and conditions of the implications of not activating privacy controls, namely that all content they publish or share will be viewable by everyone, including sometimes people who, themselves, do not have an account with that provider.

4.4 Whilst the content or information shared by individuals on Social Media remains the property of that individual, it is nonetheless considered to be in the public domain. Publishing content or information using a public, rather than a private setting, means that the individual publishing it is allowing everyone to access and use that information, and to associate it with them.

4.5 The opposite of a public profile is a private profile. Some users of Social Media will not wish for their content, information or interactions to be viewable to anyone outside of a very small number of people, if any. In these instances, users will normally set a level of privacy on their Social Media profiles that reflects what they are comfortable with being made available, meaning that, for example, only friends, family and other pre-approved users are able to view their content or contact them through that site.

4.6 By setting their profile to private, a user does not allow everyone to access and use their content, and respect should be shown to that person's right to privacy under Article 8 of the Human Rights Act. This does not, however, extend to instances where a third party takes it upon themselves to share information which originated on a private profile on their own

Social Media profile. For example, Person A publicises on their *private* Social Media page that they intend to throw a party, at which they will be selling alcohol and providing other forms of licensable activities, despite not having a licence from the Council to do so. Person B, who “follows” Person A’s Social Media page, re-publishes this information on their *public* Social Media page. The information on Person A’s profile cannot be used, however the same information on Person B’s profile, can.

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

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

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

- 6.1 When it is discovered that an individual under investigation has set their Social Media account to private, Officers should not attempt to circumvent those settings under any circumstances. Such attempts would include, but are not limited to;
- sending “friend” or “follow” requests to the individual,

- setting up or using bogus Social Media profiles in an attempt to gain access to the individual's private profile,
- contacting the individual through any form of instant messaging or chat function requesting access or information,
- asking family, friends, colleagues or any other third party to gain access on their behalf, or otherwise using the Social Media accounts of such people to gain access, or
- any other method which relies on the use of subterfuge or deception.

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

- 6.2 A distinction is made between one-off and repeated visits to an individual's Social Media profile. As outlined at paragraph 2 above, a RIPA authorisation must be sought in order to carry out directed surveillance against an individual. Whilst one-off visits, or otherwise infrequent visits spread out over time, cannot be considered "directed surveillance" for the purposes of RIPA, repeated or frequent visits may cross over into becoming "directed surveillance" requiring RIPA authorisation. A person's Social Media profile should not, for example, be routinely monitored on a daily or weekly basis in search of updates, as this will require RIPA authorisation, the absence of which is an offence. For further guidance on this point, officers should contact Legal Services.
- 6.3 Regardless of whether the Social Media profile belonging to a suspected offender is set to public or private, it should only ever be used for the purposes of evidence gathering. Interaction or conversation of any kind should be avoided at all costs, and at no stage should a Council Officer seek to make contact with the individual through the medium of social media. Any contact that is made may lead to accusations of harassment or, where a level of deception is employed by the Officer, entrapment, either of which would be detrimental and potentially fatal to any future prosecution that may be considered.

## **7.0 CAPTURING EVIDENCE**

- 7.1 Once content available from an individual's Social Media profile has been identified as being relevant to the investigation being undertaken, it needs to be recorded and captured for the purposes of producing as evidence at any potential prosecution. Depending on the nature of the evidence, there are a number of ways in which this may be done.
- 7.2 Where evidence takes the form of a readable or otherwise observable content, such as text, status updates or photographs, it is acceptable for this to be copied directly from the site, or captured via a screenshot, onto a hard drive or some other form of storage device, and subsequently printed to a hard copy. The hard copy evidence should then be exhibited to a suitably prepared witness statement in the normal way.

- 7.3 Where evidence takes the form of audio or video content, then efforts should be made to download that content onto a hard drive or some other form of storage device such as a CD or DVD. Those CD's and/or DVD's should then be exhibited to a suitably prepared witness statement in the normal way. Any difficulties in downloading this kind of evidence should be brought to the attention of the Council's IT Team who will be able to assist in capturing it.
- 7.4 When capturing evidence from an individual's public Social Media profile, steps should be taken to ensure that all relevant aspects of that evidence are recorded effectively. For example, when taking a screenshot of a person's Social Media profile, the Council Officer doing so should make sure that the time and date are visible on the screenshot in order to prove when the evidence was captured. Likewise, if the evidence being captured is a specific status update or post published on the suspected offender's profile, steps should be taken to make sure that the date and time of that status update or post is visible within the screenshot. Without this information, the effectiveness of the evidence is potentially lost as it may not be admissible in court.
- 7.5 Due to the nature of Social Media, there is a significant risk of collateral damage in the form of other, innocent parties' information being inadvertently captured alongside that of the suspected offenders. When capturing evidence from a Social Media profile, steps should be taken to minimise this collateral damage either before capturing the evidence, or subsequently through redaction. This might be particularly prevalent on Social Media profiles promoting certain events, where users are encouraged to interact with each other by posting messages or on photographs where other users may be making comments.

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

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

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

- 9.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should **not** be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018 , the Freedom of Information

Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the Data Protection Officer or the Monitoring Officer.

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

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

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

## **10.0 REVIEW**

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







Colchester  
City Council

# Data Protection Policy

August 2023

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

# Data Protection Policy

## CONTEXT

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

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

## POLICY STATEMENT

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

The Council will ensure that sufficient and appropriate resources are available to ensure that it meets both its legal obligations in respect of Data Protection Legislation and the standards that it sets through its policies. The Council will ensure that the organisation works within the 7 data protection principles and that it will implement sufficient controls to ensure that it is able to demonstrate compliance with the Data Protection Legislation including the keeping of sufficient records, risk assessments and decisions relating to personal data processing activities.

The Council will uphold the rights and freedoms of people conferred on them by the Data Protection Legislation. It will ensure that those rights and freedoms are appropriately taken into account in the decisions it takes which may affect people. The Council will ensure that data subjects have appropriate access, upon written request, to personal information relating to them (via Subject Access Requests) and will ensure the data subjects' rights to rectification, erasure, restriction, portability and object are adhered to.

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

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

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

## DEFINITION OF PERSONAL DATA

Personal data includes information relating to persons who can be identified or who are identifiable, directly from the information in question or who can be indirectly identified from that information in combination with other information. This will include any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

## THE PRINCIPLES OF DATA PROTECTION

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

- Personal data is processed, lawfully, fairly and in a transparent manner
  - No data collection or processing activities will be undertaken or commissioned without an appropriate privacy notice being provided to the person about whom data is being collected
  - No data collection or processing activities will be undertaken or commissioned without there being a lawful ground for the data processing activities intended to be applied to the personal data
- The purposes for which personal data is obtained and processed are specified and that personal data is not used for any other purpose (unless permitted within data protection legislation)
- Processing of personal data is adequate, relevant and limited to what is necessary
- It uses reasonable endeavours to maintain data as accurate and up-to-date as possible
- Personal data is retained only for as long as necessary
- **THE COUNCIL WILL MAINTAIN A DATA RETENTION SCHEDULE SETTING OUT RETENTION PERIODS FOR EACH SERVICE**Data is disposed of properly
- All personal data is processed in accordance with the rights of the individual(s) concerned
- Personal data is processed in an appropriate manner to maintain security
- The movement of personal data is done in a lawful way, both inside and outside the Council, and that suitable safeguards exist
- A Data Breach Reporting Procedure is maintained

- All employees and those with access to personal data are aware of it
- The Council will log all personal data breaches and will investigate each incident without delay
- Appropriate remedial action will be taken as soon as possible to isolate and contain the breach, evaluate and minimise its impact, and to recover from the effects of the breach (including identifying actions to prevent such a breach re-occurring)
- If a breach is assessed as meeting the threshold for reporting to the Information Commissioner's Office, a report will be made without delay
- If a breach is assessed as meeting the threshold for notification to data subjects, notification will be made without undue delay
- It strives to foster a culture of data protection by design and by default in all data processing activities
- The Council's Chief Executive Officer is the Accountable Officer ultimately responsible for ensuring that all information is appropriately protected.

## DEFINITION OF SPECIAL CATEGORY DATA

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

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

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

## ROLES AND RESPONSIBILITIES

Colchester City Council will ensure that:

- A member of staff, the Data Protection Officer (DPO), is appointed who has specific responsibility for data protection within the Council

- Any disclosure of personal data is in compliance with the legislation and is disclosed via approved procedures
- Anyone managing and handling personal information understands that they are legally bound to follow good data protection practice
- Anyone managing and handling personal information is appropriately trained
- Staff have access only to personal information relevant to their roles
- Appropriate advice and guidance is available to anyone wanting to make enquiries about personal information processing by the Council
- Enquiries and requests regarding personal information are handled courteously and within the time limits set out in law
- All staff and councillors are fully aware of this policy and of their duties and responsibilities under Data Protection Legislation
- Where personal data may need to be shared with third parties in order to deliver services or perform our duties, the Council will only share personal data when a lawful basis can justify that sharing, where it is necessary to achieve a clear purpose and, with that purpose in mind, it is fair and proportionate to do so
- Data Protection Impact Assessments (DPIAs) are conducted, and approved by the Data Protection Officer
- A record of personal data processing is kept and maintained.

Everyone will ensure that:

- All data processing operations under their control or sphere of responsibility or commissioned by them are undertaken in compliance with this policy, related policies and Data Protection Legislation
  - Ensuring processing is lawful, fair and transparent
  - Ensuring personal data is only collected and processed for specific explicit purposes
- Paper files and other records or documents containing personal and or special category data are kept securely and destroyed securely
- Personal data held electronically is protected by the use of secure passwords and/or access controls, is kept and destroyed securely
- All users must choose passwords which meet the security criteria specified by the Council in its Password Policy
- Staff working remotely from home or elsewhere must keep any Council owned equipment they use secure and prevent systems and data for which the Council is responsible being used or seen by members of their family or any other unauthorised person
- No personal data is disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third party
- Personal data is not stored on non CCC devices or forwarded to personal email accounts
- Personal data is not to be left where it can be accessed by persons not authorised to see it
- Personal data is kept up to date and accurate
- Personal data is kept in accordance with the Council's retention schedule
- Any data protection breaches are swiftly brought to the attention of the Data Protection Officer and that they support the Data Protection Officer in investigating and resolving breaches
- They assist the Data Protection Officer with any remedial actions required following a personal data breach

- Where there is uncertainty around a data protection matter advice is sought from the data protection team
- Appropriate disciplinary action will be taken against staff held responsible for repeated personal data breaches.

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

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

The Council's Data Protection Officer is responsible for:

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

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

- Ensuring appropriate mechanisms are in place to support service delivery and continuity
- Being the organisation's leader and Champion for Information Risk Management and Assurance
- Advocating good information management and security practices
- Acting in an arbitrary role – to challenge risk mitigation
- Ensuring others are undertaking risk assessments and assurance activities
- Is the senior manager with accountability for data protection and information risk and provides a link to the Council's Senior Leadership Board

## DATA SUBJECT RIGHTS

The Council recognises the legal rights of those whose data it is processing and will ensure that appropriate information is provided to them advising them of their rights, and that policies and procedures are maintained to ensure that the organisation is able to recognise information rights requests and handle them appropriately when they are exercised. These rights include:

- Right to information about data processing operations
- Right of access to personal data
- Right to portability of personal data
- Right of rectification of personal data
- Right of erasure of personal data
- Right to restriction of processing
- Right to object to direct marketing
- Right to object to data processing operations under some circumstances
- Right not to be subject to decisions made by automated processing under some circumstances
- Right of complaint about the organisation's processing of personal data and the right to a judicial remedy and compensation

## THE INFORMATION COMMISSIONER

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

## POLICY REVIEW

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

### FURTHER INFORMATION

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

### VERSION CONTROL

Purpose:	To specify how the Council complies with Data Protection Legislation
Status:	Draft
Final date:	
To be reviewed:	August 2024





Colchester  
City Council

# Acceptable Use Policy

August 2023

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

# Acceptable Use Policy

## CONTEXT

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

## APPLICATION OF POLICY

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

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

It is the responsibility of all employees to ensure that access to systems, the Council's network and documents are secured. Passwords must be kept safe and personal to the specific user. In addition we all have a responsibility to ensure that devices and applications are used appropriately and that the behaviour of any persons use of ICT solutions does not call the Council into disrepute. These measures should be upheld regardless of work location.

## ACCESS TO IT SYSTEMS

- You must not leave user accounts logged in at an unattended and unlocked computer.
- You must not attempt to access data or systems that you are not authorised to use or access.
- You must not install, access or modify applications, systems or data without authorisation.
- You must maintain the security of information as defined in the Information Security and Data Protection Policies.
- You must not access other people's email without their permission.
- You must not forward CCC emails to personal email accounts.
- If you receive or view email or other content not intended for you, you must protect its confidentiality.
- You must take care when replying or forwarding emails to ensure that only authorised individuals are included and any history in the chain or attachments are suitable to share with that individual(s).

## PASSWORDS

- You must not allow anyone else to use your user username and password for any IT system.

- You must not disclose your password to anyone or ask anyone else for their password. If you suspect your password has become known to anyone else, change it immediately and report it to the ICT team.
- You must not use someone else's username and password to access any IT systems.
- You must not leave your password unprotected (for example writing it down or sharing it with another person).
- Passwords must meet the requirements of the Council's Password Policy.
- All CCC devices must be password protected (or alternately protected by other appropriate ICT approved means such as Fingerprint and PIN).

## BEHAVIOUR

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

## DEVICES

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

## STORAGE

- You must not give or transfer data or software to any person or organisation, without following the Information Security and Data Protection Policies

- Documents must not be stored locally (for example on c drive) on a desktop computer, laptop or mobile phone, as information may be irretrievable if the device fails or is stolen. This includes synchronising SharePoint and OneDrive to a local device without ICT authorisation.
- The use of mobile devices such as memory sticks, CDs, DVDs and removable hard drives must be authorised by the Information Services Manager. Devices will only be authorised if they can be secured through a password or similar encryption. Personal data must not be stored on mobile devices, unless approved by the Information Services Manager.

## SECURITY AND LICENSING

- You must not attempt to disable or bypass anti-virus, malware or other information security controls, and you should take care not to introduce viruses or malware. If you discover a virus or malware, you must notify ICT immediately.
- You must not expose the Council to risk by clicking on links or opening suspicious attachments to phishing or scam emails.
- You must not use the email systems in a way that could affect its reliability or effectiveness, for example distributing chain letters or spam.
- You must only use software that is appropriately licensed and materials which are not copyrighted, or for which you have been granted use.

## WORKING REMOTELY

- Working away from the office must be in line with Colchester City Council's remote working policy.
- Equipment and media taken off-site must not be left unattended in public places and not left in clear view in a vehicle.
- Laptops must be carried as hand luggage when travelling.
- Information and equipment must be protected against loss or compromise when working remotely.
- Do not connect to untrusted/public networks such as cafes, hotels etc. as these are presumed to be more vulnerable to hacking. Thethering to a corporate mobile phone should be used in the first instance.

## USE OF SHAREPOINT

- You must not purposely engage in activity that may deprive an authorised user access to a SharePoint resource.
- You must not attempt to access content for which you have no legitimate business need.
- You must not circumvent SharePoint security measures.
- All staff must maintain the supported infrastructure setup by filing documents via Adding Properties or via the Details menu and not creating folders within folders.
- Site owners are responsible for managing the use of SharePoint in their area and are accountable for their actions.
- Site owners are responsible for the custody or operation of their SharePoint sites and are responsible for proper authorisation of user access.
- Confidential or potentially sensitive data stored on SharePoint must be kept confidential and secure by the user.

- You must ensure that permissions to document libraries are appropriately set and maintained to ensure the security of information.
- Site owners should review the permissions set on their sites at least annually.
- You must ensure that private or personal documents are secured to ensure the security of information.
- Data can be shared with external people/organisations using the 'External sharing' SharePoint site where there is a justified business need. All documents shared must be removed once the need to share has expired. Any special category data shared in this way must be done with the appropriate set up of SharePoint permissions to ensure the security of that data.

## USE OF ONEDRIVE

- OneDrive must not be used as a replacement for corporate shared document management, SharePoint.
- OneDrive documents must not be kept for longer than necessary.
- If you share a OneDrive document with another user it's your responsibility to ensure that this is done securely and appropriately and ideally only for a limited duration to permit its use.

## USE OF TEAMS

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

## MOBILE PHONES

- Requests for a mobile phone will be subject to a valid business case being made and management authorisation.
- In order to prevent unauthorised access, devices must be password protected using the features of the device and a strong password is required to access the network (please refer to the Password Policy).
- The primary reason for being given a work mobile phone is for business purposes. Using the phone for personal calls should not interfere with daily business and wherever possible be made outside of working hours.

- Employees are expected to use the internet responsibly and productively. Excessive personal internet browsing, including social media use, is not permitted.
- Mobile phones should be connected to secure wi-fi networks where available to prevent excessive use of data. Use of the mobile phone to create a hotspot to work from should be used in exceptional circumstances only. Mobile data usage will be monitored and consistent excessive use may lead to suspension of service.
- Calls to premium rate numbers and overseas are not permitted, unless there is a real business need and authorisation has been provided by the relevant member of the Senior Leadership Team.
- You must not use Colchester City Council mobile devices for conducting private business.
- Mobile devices may not be used at any time to, store or transmit illicit materials or harass others.
- When driving, staff are expected to comply with the Council's Vehicle User Handbook and the Road Vehicles (Construction and Use) (Amendment) (No4) Regulations 2003, which prohibit the use of handheld mobile devices at all times when driving.
- If your device use is deemed unacceptable, we may cancel your plan and ask for the return of the device.
- If you lose your device or it is stolen this must be reported to the ICT team without delay.

## WHEN AN EMPLOYEE LEAVES

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

## MONITORING

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

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

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

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

ICT reserve the right to withdraw a users' access to any computer systems and communication services, including internet services without notice.

## POLICY REVIEW

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

## FURTHER INFORMATION

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

## VERSION CONTROL

Purpose:	To specify how the Council maintains security
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Colchester  
City Council

# Information Security Policy

August 2023

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

# Information Security Policy

## CONTEXT

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

## APPLICATION OF POLICY

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

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

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

All those who access information may be held personally responsible for any breach or misuse. For advice and support please contact ICT.

## INFORMATION SECURITY PRINCIPLES

Information security is the preservation of:

- Confidentiality – ensuring that information is accessible only to those authorised to have access. To accomplish this, access to information must be controlled to prevent the unauthorised sharing of data, whether intentional or accidental. A key component of maintaining confidentiality is making sure that people without proper authorisation are prevented from accessing assets important to the Council. Conversely, an effective system also ensures that those who need to have access have the necessary privileges.
- Integrity – safeguarding the accuracy and completeness of information and processing methods. Integrity includes making sure data is trustworthy and free from tampering. The integrity of data is maintained only if the data is authentic, accurate, and reliable.
- Availability – ensuring that authorised users have access to information and associated assets when required. This means that systems, networks, and applications must be functioning as they should and when they should. Also, individuals with access to specific information must be able to consume it when they need to, and getting to the data should not take an inordinate amount of time.

## ROLES AND RESPONSIBILITIES

### The Organisation

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

### The Chief Executive

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

### Senior Information Risk Owner

- Promotes information security at senior management level

### Technology Delivery Services Team

- Assures information security within the organisation
- Provides a central point of contact for information security
- Manages the investigation and mitigation of information security breaches
- Supports Information Asset Owners to assess risks and implement information security controls
- Ensures that staff are not able to gain unauthorised access to Council IT systems
- Ensures the security of the Council's IT systems, ensuring that access is restricted to staff with specific job functions
- Ensures that information security is assessed for all new systems and existing system developments including those provided by third party suppliers
- Ensures that a third-party specialist routinely reviews network security
- Ensures that no external agencies are given access to any of the Council's networks unless that body has been formally authorised to have access. All external agencies will be required to sign security and confidentiality agreements with the Council
- Ensure systems are protected, as far as reasonably possible, from external threat.

### System Owners

- Ensures that appropriate information security controls are in place for each system under their control
- Ensure they delete or disable all identification codes and passwords relating to members of staff who leave the employment of the Council on their last working day
- Ensure that all new systems and changes to existing systems include the provision of appropriate information security controls (including those provided by third party) suppliers)
- Ensure that information security controls for each system under their control are documented

- Ensure that written backup instructions for each system under their management are produced. Backup copies should be held securely. Procedures should be in place to recover to a useable point after restart of any back-up
- Ensure that all systems are adequately documented and are kept up to date so that it matches the state of the system at all times.
- Ensure that a Privacy Impact Assessment (PIA) is completed for the use of any new systems or changes to existing systems
- Ensure that access to systems is limited only to those roles requiring access
- Ensure systems are protected as far as reasonably possible, from external threat
- No computer software (including cloud services) may be purchased by system owners without prior recorded authorisation from ICT.

#### Information Asset Owners

- Assess the risks to the information they are responsible for
- Help define the information security controls of the information they are responsible for, taking consideration of the sensitivity and value of the information
- Communicate the information security controls to authorised users and ensure controls are followed
- Ensure that a Privacy Impact Assessment (PIA) is completed when system changes involve data processing changes or before new personal data is collected or processed

#### All Managers must:

- Ensure their employees are fully conversant with this policy and all associated standards, procedures, guidelines and relevant legislation; and are aware of the consequences of non-compliance
- Develop procedures, processes and practices which comply with this policy for use in their service areas
- Determine which individuals are given authority to access specific systems. The level of access to specific systems should be on a job function need, irrespective of status
- Ensure that the relevant system administrators are advised immediately about staff changes affecting access (for example job function changes, leaving service or organisation) so that access may be withdrawn or changed as appropriate
- Ensure that staff are not able to gain unauthorised access to Council ICT systems or manual data
- Ensure all contractors and other third parties to which this policy may apply are aware of their requirement to comply
- Ensure that those users who have access to any part of the Council's Cash Receipting systems whereby they are taking payments either in person or over the phone should only enter card numbers into the relevant Capita payment screens and **under no circumstances** should Card Holder data such

as card numbers be written down or copied by anybody as this would breach The Payment Card Industry Data Security Standard (PCI DSS) compliance

- Ensure that where they cease using a third party hosted application that any data held by the supplier on behalf of the Council is either securely destroyed by the supplier or returned to the Council
- Ensure that if the Council vacates any of its premises, the manager of the service area occupying the premises must undertake appropriate checks of all areas, including locked rooms, basements and other storage areas, to ensure all Council information is removed or securely destroyed.
- Ensure that service contracts adhere to Information Security policy standards.

Everyone must:

- Conduct their business in accordance with this policy
- Only access systems and information for which they are authorised
- Only use systems and information for the purposes authorised
- Comply with all applicable legislation and regulations
- Comply with information security controls communicated by the Information Asset Owner
- Not disclose confidential or sensitive information to anyone without the permission of the Information Asset Owner
- Ensure confidential, personal or special category information is protected from view or access by unauthorised individuals
- Not copy, transmit or store information to devices or locations (physical or digital) where unauthorised individuals may gain access to it; the security of devices and locations you use are the responsibility of the individual
- Protect information from unauthorised access, disclosure, modification, destruction or interference
- Ensure that unattended workstations are locked or logged out
- Keep passwords secret and do not allow anyone else to use their access to systems and accounts
- Notify the Technology Delivery Services Team of any actual or suspected breach of information security policy and assist with resolution
- Co-operate with compliance, monitoring, investigatory or audit activities in relation to information security
- Take responsibility for familiarising themselves with this policy and understanding the obligations it places on them
- Assist in protecting Council systems as far as reasonably possible from external threat e.g. phishing attempts and hacking attempts
- When disclosing personal or special category information to customers, particularly over the phone or in person, ensure that they verify their identity. Service areas dealing with customers on a daily basis should have suitable verification methods in place which must always be used
- Always secure laptops and handheld equipment and lock equipment away when leaving the office. Users of portable computing equipment are responsible for the security of the hardware and the information it holds at all times on or off Council property

- Physical security to all office areas is provided through the access control system. Staff should challenge strangers in the office areas without an ID badge. No one should allow anyone not wearing a valid ID badge to tailgate through security doors
- Staff working from home must ensure appropriate security is in place to protect Council equipment or information. This will include physical security measures to prevent unauthorised entry to the home and ensuring Council equipment and information is kept out of sight. Council issued equipment must not be used by non-Council staff.
- Non CCC issued devices used to access Colchester Council systems will be treated as untrusted devices
- Access to systems from abroad is not permitted unless approved by the Data Protection Officer. Any access must be via a Council approved device.
- Users must not disclose any information related to ICT systems or security to any third party without the prior approval of ICT.
- Software and data purchased or licensed from external sources must only be used in accordance with the terms of the acquisition, licence, or other procurement documents.

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

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

## MONITORING

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

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

It is the employee’s responsibility to report suspected breaches of security policy without delay to their line manager and to the ICT team. If you are unsure, please contact ICT.

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

**POLICY REVIEW**

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

**FURTHER INFORMATION**

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

**VERSION CONTROL**

Purpose:	To specify how the Council maintains information security
Status:	Draft
Final date:	
Review date:	August 2024







Colchester  
City Council

# Retention Policy

August 2023

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

# Retention Policy

## CONTEXT

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

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

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

- crucial records can be located and retrieved as required
- records are kept in accordance with data protection legislation
- records are kept in accordance with business requirements
- records are not kept for longer than necessary
- the best use is made of available storage facilities
- the medium used for each record is the most appropriate.

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

## APPLICATION OF POLICY

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

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

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

## RELEVANT PRINCIPLES OF DATA PROTECTION

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

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

## DEFINING RETENTION PERIODS

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

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

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

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

## ROLES AND RESPONSIBILITIES

Colchester City Council will ensure that:

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

Everyone will ensure that:

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

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

- Provide assurance relating to their compliant destruction of personal data and when requested allow the Council to audit the protection of data held on its behalf
- Records held on behalf of the Council (particularly by suppliers of IT systems) are securely destroyed or returned to the Council at the end of service provision.

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

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

## POLICY REVIEW

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

## FURTHER INFORMATION

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

## VERSION CONTROL

Purpose:	To specify how the Council complies with Data Protection Legislation with regard to Data Retention
Status:	Draft
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Colchester  
City Council

# Processing of Special Category & Criminal Convictions Personal Data Policy

August 2023

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

# Processing of Special Category & Criminal Convictions Personal Data Policy

## CONTEXT

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

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

This document is to meet the requirements of paragraph 1 of Schedule 1 of the Data Protection Act 2018. The Data protection Act 2018 states that an appropriate policy document be in place where;

- The processing of special category or criminal convictions personal data is necessary to carry out functions which are imposed or conferred by law on the Council
- The subject of the data in connection with employment, social security or social protection matters.
- It also meets the requirement of paragraph 5 Schedule 1 of the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for reasons of substantial public interest.

## DEFINITION SPECIAL CATEGORY DATA

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

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



## DEFINITION OF CRIMINAL CONVICTIONS DATA

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

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

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

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

## CONDITIONS FOR PROCESSING SPECIAL CATEGORY AND CRIMINAL CONVICTIONS DATA

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

Article 9 lists the conditions for processing special category data:

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

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

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

## DATA PROTECTION PRINCIPLES

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

- Special category and/or criminal convictions data is only processed where a lawful basis applies, and where processing is otherwise lawful.
- Special category and/or criminal convictions data is processed fairly.

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

## ACCOUNTABILITY PRINCIPLE

Colchester City Council is responsible for demonstrating compliance with these principles. The Council's Data Protection Officer holds responsibility for:

- Ensuring that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request.
- Carrying out Data Protection Impact Assessment (DPIAs) for any high-risk personal data processing
- Providing independent advice and monitoring of services personal data handling.
- Having in place internal processes to ensure that personal data is only collected, used, or handled in a way that is compliant with Data Protection legislation.
- Keeping records of personal data breaches.
- Ensuring any reuse of criminal convictions data is enacted in accordance with the requirements of the Law Enforcement Directive.

## RETENTION AND ERASURE

Colchester City Council will ensure, where special category personal data or criminal convictions personal data are held or processed, that:

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

Details of the retention periods for personal data can be found in the Council's Retention Policy.

## DATA SUBJECT RIGHTS

The Council recognises the legal rights of those whose personal data it is processing and will ensure that appropriate information is provided to them advising them of their rights, and that policies and procedures are maintained to ensure that the organisation is able to recognise information rights requests and handle them appropriately when they are exercised. These rights include:

- Right to information about data processing operations
- Right of access to personal data
- Right of rectification of personal data
- Right of erasure of personal data
- Right to restriction of processing
- Right to object to data processing operations under some circumstances
- Right not to be subject to decisions made by automated processing under some circumstances
- Right of complaint about the organisation's processing of personal data and the right to a judicial remedy and compensation

## THE INFORMATION COMMISSIONER (ICO)

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

## POLICY REVIEW

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

## FURTHER INFORMATION

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

## VERSION CONTROL

Purpose:	To specify how the Council complies with Data Protection Legislation with regard to the processing of special category and criminal convictions personal data
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13 December 2023

<b>Report of</b>	<b>Head of Governance and Monitoring Officer</b>	<b>Author</b>	<b>Andrew Weavers</b>
<b>Title</b>	<b>Annual review of the Members' Code of Conduct and the Council's Localism Act Arrangements</b>		
<b>Wards affected</b>	Not applicable		

## 1. Executive Summary

- 1.1 This report requests the Committee to review the Councillors' (Members') Code of Conduct, the Council's Localism Act Arrangements for dealing with complaints made regarding councillors.
- 1.2 The report also provides an update on the number and types of complaints received under the Members' Code of Conduct.

## 2. Recommended Decisions

- 2.1 To note the contents of this report.

## 3. Background

- 3.1 The Localism Act 2011 ("the Act") introduced the current system of regulation of standards of conduct for elected and co-opted Members. The Act requires local authorities to adopt a code of conduct consistent with the seven Nolan Principles of public life and that Principal Authorities put in place "Arrangements" to deal with allegations that Councillors had failed to comply with the Members' Code of Conduct. Principal Authorities are also required to appoint at least one "Independent Person" who are to be consulted as part of the Council's "Arrangements".
- 3.2 The Full Council at its meeting on 19 October 2022 formally adopted the Local Government Association's Model Councillor Code of Conduct ("the LGA Code") and agreed that it would come into effect on 1 December 2022. The City Council's code of conduct is published on the Council's website: [CCC-Code-of-Conduct Nov 22](#)
- 3.3 The Act also introduced the disclosable pecuniary interest's regime and the LGA Code introduced Other Registerable Interests and Non-Registerable Interests which replaced the former pecuniary and non-pecuniary interests under the previous version of the Council's Members Code of Conduct. The Council's "Arrangements" were also amended to reflect that they applied to the LGA Code.
- 3.4 The Act places on the City Council a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. The Full Council has in turn delegated this function to this Committee as part of its terms of reference.
- 3.5 The Committee at its meeting on 22 November 2022 last reviewed the Council's Localism Act processes and this report reviews our subsequent experience to date.
- 3.6 The Monitoring Officer arranged a series of training for all Councillors on the LGA Code prior to its implementation. This has also been extended to Town and Parish Councils.

#### **4. Review of the Current Code**

- 4.1 The Act did not prescribe the contents of the Code (save that it should be consistent with the seven Nolan Principles) and accordingly the LGA Code promoted by the Local Government Association is intended to encourage a consistent approach across the Country with the aim that all council's (county, districts and parishes) adopt the model code to provide a clarity for Councillors.
- 4.2 The LGA Code has also been adopted by a number of the Town and Parish Council's in the City. However some are still operating on various version of the Code. The City Council has been successfully operating the LGA Code during the past year without any apparent difficulties or concerns. It is suggested that the Committee continues to keep the Code under annual review. The Local Government Association will also be keeping its model code under review and any changes will be reported to the Committee.
- 4.3 The Act requires the Monitoring Officer to compile and publish on the City Council's website a Register of Members' Interests. This includes Disclosable Pecuniary Interests for both Councillors and their partners. In addition, Other Registrable Interests just for Councillors and registerable under the LGA Code are also published in the Register of Interests. All City Councillors interests are published and most of those of the Town and Parish Councillors in the City have also been published on the City Council's website. The Act does make it an offence for a councillor to fail to register their Disclosable Pecuniary Interests within a period of 28 days of becoming elected.
- 4.4 The City Council's Committee Management Information System (CMIS) enables the Register of Members' Interests to be published in line with the Government's transparency agenda so that all Councillors' information is in one place on the website. The Monitoring Officer has the ability to agree with a Councillor that certain interests can be redacted from the public register as being a "sensitive interest" in specified circumstances. This arrangement also applies to Town and Parish Councillors.
- 4.5 Training on the LGA Code has been provided by the Monitoring Officer for City Councillors during the year and this has recently been provided to Town and Parish Councillors.

#### **5. Review of the Arrangements and the Code of Conduct**

- 5.1 The Act required the Council to adopt "Arrangements" for dealing with allegations that Councillors have potentially failed to comply with the Code. Any allegations that Councillors have not complied with the Disclosable Pecuniary Interests regime under the Act are not dealt with under the Council's "Arrangements" as they are potentially criminal offences and need to be dealt with by the Police. As at the date of this report there have been no such allegations or referrals.
- 5.2 The Council's "Arrangements" are made publicly available on the City Council's website and have been implemented in relation to both City and Parish Councillors. All allegations are received by the Monitoring Officer who makes an initial assessment of the merits of the complaint in consultation with an Independent Person in accordance with the "Arrangements".
- 5.3 The table at Appendix 1 below details the number, type and outcome of allegations received between November 2018 and November 2022 under the City Council's previous code of conduct along with those of Town and Parish Councils. The table at Appendix 2 below details the number, type and outcome of allegations received between December 2022 and November 2023 under the LGA Code together with those of Town and Parish Councils.



- 5.4 Overall the Council's Localism Act "Arrangements" appear to have been operating satisfactorily over the past year. The Monitoring Officer has reviewed the "Arrangements" in the light of the Hearings Sub-Committee meeting earlier in the year and an updated version is attached at Appendix 3 and I would recommend that the Committee continues to keep them under annual review.
- 5.5 Under the Act the Council is required to appoint at least two Independent Persons. The current two persons appointment is due for review in 2024 and a recruitment exercise will be undertaken which will be reported to the Committee.
- 5.6 The Council's agreed guide for the granting of dispensations under the Council's Code of Conduct was reviewed by the Committee last year and is appended for information.

## **6. Strategic Plan References**

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

## **7. Publicity Considerations**

- 7.1 The Council's Code of Conduct and "Arrangements" are available on the Council's website [Councillors' code of conduct and register of interests · Colchester City Council](#)

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

- 8.1 None.

### **Appendices:**

- Appendix 1 – Code of Conduct Allegations received (previous code)  
Appendix 2 - Code of Conduct Allegations received (LGA Model code)  
Appendix 3 – Localism Act Arrangements

### Councillor Code of Conduct Allegations received between November 2018 and November 2022 (Previous Code)

Allegations	Nov 18 – Oct 19	Nov 19 – Oct 20	Nov 20 – Oct 21	Nov 21 – Nov 22	Total
Number received	3	6	9	8	26
City Councillor	3	5*	6**	3	17
Parish Councillor	0	1	3	5	9

NB.

\*one person made the same complaint against two councillors

\*\*two persons made the same complaint against one councillor

Source of complaints	Nov 18 – Oct 19	Nov 19 – Oct 20	Nov 20 – Oct 21	Nov 21 – Nov 22	Total
Member of the public	3	5	5	8	21
City Councillor	0	0	2	0	2
Parish Councillor	0	1	2	1	4
County Councillor	0	0	0	0	0
Member of Parliament	0	0	0	0	0

	Nov 18 – Oct 19	Nov 19 – Oct 20	Nov 20 – Oct 21	Nov 21 – Nov 22	Total
Referrals to Governance and Audit Committee	0	0	0	1	1

Outcome	Nov 18 – Oct 19	Nov 19 – Oct 20	Nov 20 – Oct 21	Nov 21 – Nov 22	Total
Not within remit of Code of Conduct	1	0	0	0	1
Merits no further investigation	2	6	6	7	21
Merits further investigation	0	0	1*	1	2

NB.

\* The investigation was ceased following the Councillor concerned resignation.

## Councillor Code of Conduct Allegations received between December 2022 and November 2023 (LGA Code)

Allegations	Dec 22 – Nov 23	Total
Number received	5	5
City Councillor	3	3
Parish Councillor	2*	2

\*four persons made the same complaint against one councillor

Source of complaints	Dec 22 – Nov 23	Total
Member of the public	7	7
City Councillor	0	0
Parish Councillor	1	1
County Councillor	0	0
Member of Parliament	0	0

	Dec 22 – Nov 23	Total
Referrals to Governance and Audit Committee	0	0
Hearings Sub-Committee	1	1

(Hearing Sub-Committee determined a previous version of the Code complaint)

Outcome	Dec 22 – Nov 23	Total
Not within remit of Code of Conduct	0	0
Merits no further investigation	4	4
Merits further investigation	0	0

(One complaint not assessed as at date of this report)



## Colchester City Council

### Governance and Audit Committee

#### Councillor Code of Conduct

#### Arrangements for dealing with complaints.

##### 1. Introduction

- 1.1 Colchester City Council adopted the Local Government Associations Model Code of Conduct for Councillors on 1 December 2022. These “Arrangements” came into effect on that date and detail the process for making a complaint that an elected or co-opted member of Colchester City Council or of a parish council, town council or community council (referred to as a parish council in this document) within the City of Colchester has failed to comply with their respective Councillors’ Code of Conduct. It also sets out how the City Council will deal with allegations of a failure to comply with the Councillors’ Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the City Council is required to have in place “Arrangements” under which allegations that a member or co-opted member of the City Council or of a parish council within the City of Colchester, has failed to comply with their respective Councillors’ Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such Arrangements must provide for the City Council to appoint at least 1 Independent Person, whose views must be sought by the City Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the City Council at any other stage, or by a member or a co-opted member of a parish council against whom an allegation has been made. Both members and co-opted members are referred to as Councillors in this document for ease of reference.

## **2. The Code of Conduct**

- 2.1 The City Council has adopted the Local Government Association's Model Code of Conduct for Councillors, which is published on the City Council's website. [Councillors' code of conduct and register of interests - Colchester City Council](#)
- 2.2 Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, please refer to the website operated by the Parish Council or request the parish clerk to allow you to inspect the Parish Council's Code of Conduct.

## **3. Making a complaint**

- 3.1 If you wish to make a complaint, please email: [andrew.weavers@colchester.gov.uk](mailto:andrew.weavers@colchester.gov.uk) or write to:  
  
The Monitoring Officer  
Colchester City Council  
Rowan House, 33 Sheepen Road  
Colchester, CO3 3WG.
- 3.2 The Monitoring Officer is a senior officer of the City Council who has statutory responsibility for maintaining the register of Councillors' interests and who is responsible for administering the system in respect of complaints of Councillor misconduct.
- 3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the City Council's website, next to the Code of Conduct.
- 3.4 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the Councillor against whom you make the complaint, without your prior consent.
- 3.5 The City Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it and will keep you informed of the progress of your complaint.
- 3.7 The Complaints Procedure Flowchart is attached at Appendix 1.
- 3.8 The City Council has agreed a Press Policy in relation to complaints made against Councillors and this is attached at Appendix 2.

#### **4. Will your complaint be investigated?**

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

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

## **5 How is the investigation conducted?**

- 5.1 The City Council has adopted a procedure for the investigation of allegations, which is attached as Appendix 4 to these Arrangements.
- 5.2 If the Monitoring Officer decides that a complaint merits further investigation, they may appoint an Investigating Officer, who may be another senior officer of the City Council, an officer of another Authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether they need to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen, and who needs to be interviewed.
- 5.3 The Investigating Officer or Monitoring Officer will normally write to the Councillor against whom you have complained and provide them with a copy of your complaint and ask the Councillor to provide their explanation of events, and to identify what documents are required and who needs to be interviewed. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Councillor might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Councillor, or delay notifying the Councillor until the investigation has progressed sufficiently.
- 5.4 At the end of their investigation, the Investigating Officer or Monitoring Officer will produce a draft report (“the Investigation Report”) and will send copies of that draft report, in confidence, to you and to the Councillor concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.
- 5.5 Having received and taken account of any comments which you may make on the draft Investigation Report. Where an Investigating Officer has been appointed the Investigating Officer will send their final report to the Monitoring Officer.



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

6.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and, if satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Councillor concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that no further action is required, and give you both a copy of the Investigation Final Report.

6.2 If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.

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

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

(a) Informal Resolution

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

(b) Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the Councillor concerned is not prepared to

undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigation Report to the Hearings Sub-Committee which will conduct a hearing before deciding whether the Councillor has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Councillor.

- 7.2 The City Council has agreed a procedure for hearing allegations, which is attached as Appendix 5 to these Arrangements.
- 7.3 At the hearing, the Investigating Officer or the Monitoring Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Hearings Sub-Committee. The Councillor will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Sub-Committee as to why they consider that they did not fail to comply with the Code of Conduct.
- 7.4 The Hearings Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Councillor did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Hearings Sub-Committee concludes that the Councillor did fail to comply with the Code of Conduct, the Chair will inform the Councillor of this finding and the Hearings Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the Councillor's failure to comply with the Code of Conduct. In doing this, the Hearings Sub-Committee will give the Councillor an opportunity to make representations to the Hearings Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

## **8 What action can the Hearings Sub-Committee take where a Councillor has been found to have failed to comply with the Code of Conduct?**

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

Accordingly, the Hearings Sub-Committee may: -

- (a) Report its findings to Council (or to the Parish Council) for information;
  - (b) Recommend to Council (or to the Parish Council) that the Councillor be issued with a formal censure or be reprimanded
  - (c) Recommend to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommend to Council or to Committees) that the Councillor be removed from any or all Committees or Panels of the Council;
  - (d) Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - (e) Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Councillor;
  - (f) Recommend to Council to remove (or recommend to the Parish Council that the Councillor be removed) from all outside appointments to which they have been appointed or nominated by the Council (or by the Parish Council);
  - (g) Recommend to Council to withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Councillor by the Council, such as a computer, website and/or email and internet access; or
  - (h) Recommend to Council to exclude (or recommend that the Parish Council exclude) the Councillor from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Panel meetings.
- 8.2 The Hearings Sub-Committee has no power to suspend or disqualify a Councillor or to withdraw a Councillor's basic allowance or any special responsibility allowances.
- 8.3 Any actions recommended by the Hearings Sub-Committee should be proportionate and commensurate with the circumstances of the particular case.

## **9 What happens at the end of the hearing?**

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

## **10 Who are the Hearings Sub-Committee?**

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

## **11 Who are the Independent Persons?**

- 11.1 The Independent Persons are persons who has applied for the post following advertisement of a vacancy for the post and is appointed by a positive vote from a majority of all the members of the City Council.
- 11.2 A person cannot be "independent" if they:

- (a) are, or have been within the past 5 years, a member, co-opted member or officer of the City Council;
- (b) (are or have been within the past 5 years, a member, co-opted member or officer of a parish council within the City of Colchester),  
or
- (c) are a relative or close friend, of a person within paragraph (a) or (b) above. For this purpose, a “relative” means:
  - (i) spouse or civil partner;
  - (ii) living with the other person as husband and wife or as if they were civil partners;
  - (iii) grandparent of the other person;
  - (iv) a lineal descendent of a grandparent of the other person;
  - (v) a parent, sibling or child of a person within paragraphs (a) or (b);  
above or
  - (vi) a spouse or civil partner of a person within paragraphs (iii), (iv)  
or (v) above; or
  - (vii) living with a person within paragraphs (iii), (iv) or (v) above as  
husband and wife or as if they were civil partners.

## **12. Revision of these Arrangements**

The City Council may by resolution agree to amend these Arrangements, and has delegated to the Chair of the Hearings Sub-Committee the right to depart from these Arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **13. Appeals**

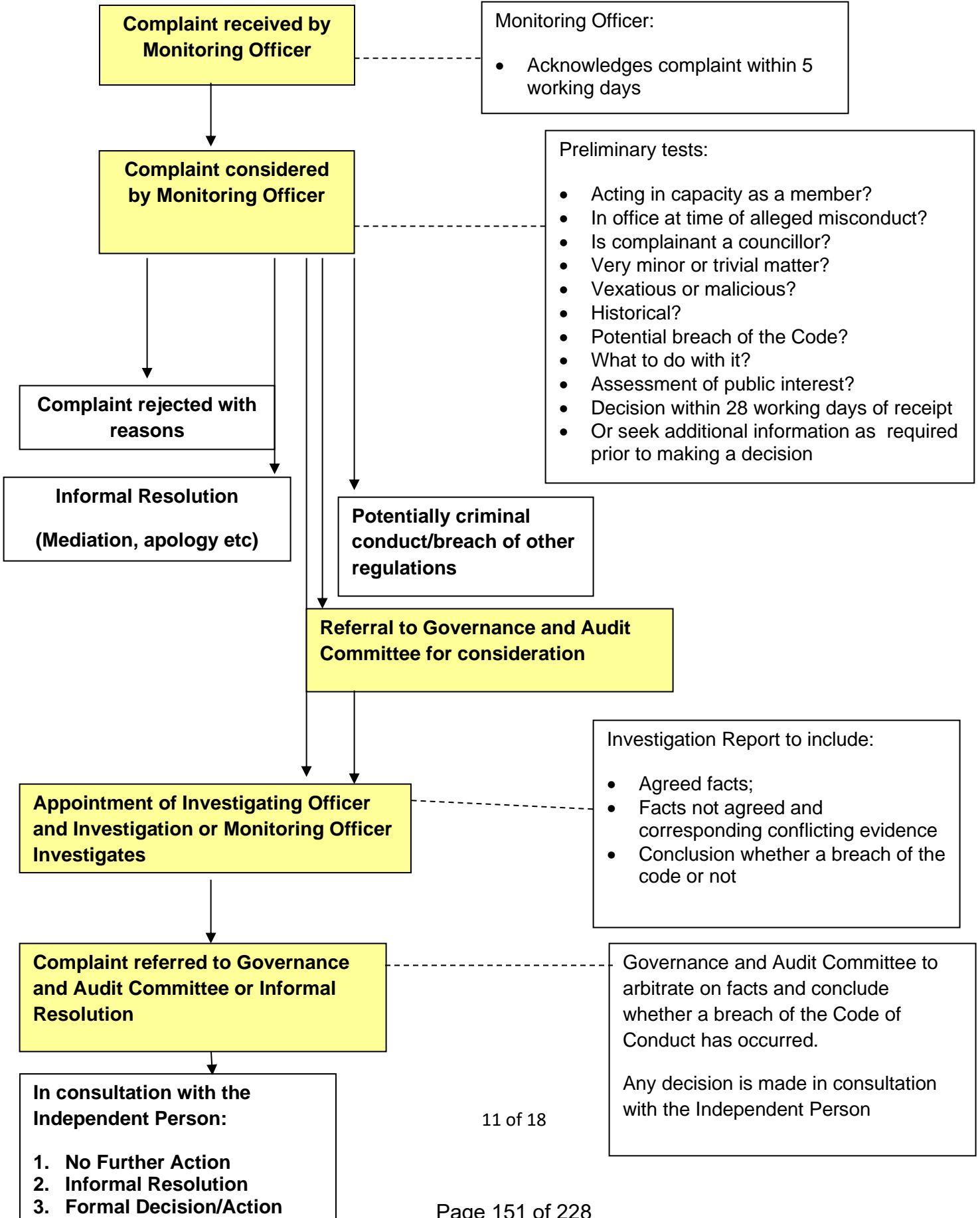
**13.1** There is no right of appeal for you as complainant or for the Councillor against a decision of the Monitoring Officer or of the Hearings Sub-Committee.

**13.2** If you feel that the City Council has failed to deal with your complaint in accordance with these Arrangements, you may make a complaint to the Local Government and Social Care Ombudsman.

#### **14. Review**

These Arrangements will be kept under annual review by the Governance and Audit Committee.

### Complaints Procedure Flowchart



## Colchester City Council

### Press Policy

#### Complaints against Members

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

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

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

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

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

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

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



**Colchester City Council**

**STANDARDS COMPLAINTS ASSESSMENT CRITERIA**

**Complaints which would not normally be referred for investigation**

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

**Complaints which may be referred to the Governance and Audit Committee**

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

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

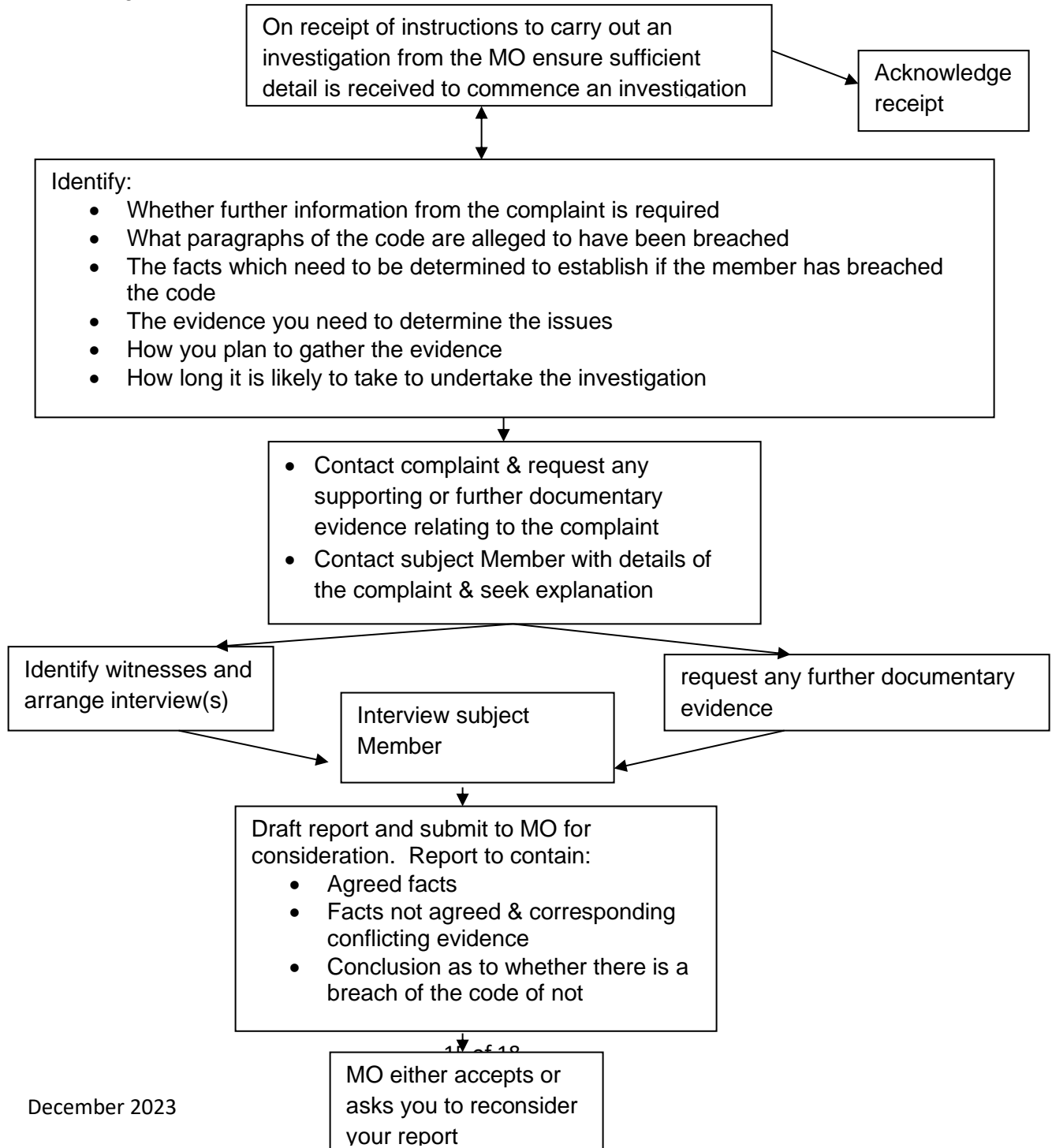
**Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and Councillors' time. This is an important consideration where the complaint is relatively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

## STANDARDS COMPLAINTS INVESTIGATION PROCEDURE

### Investigation Procedure

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

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



**Colchester City Council**  
**GOVERNANCE AND AUDIT COMMITTEE**  
**HEARINGS SUB-COMMITTEE PROCEDURE**

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

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

	<p>6.5 The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person.</p> <p>6.6 On the Sub-Committee's return the Chair will announce the Sub-Committee's decision (in relation to a Parish Councillor a recommendation to the Parish Council).</p> <p>6.7 The Sub-Committee will consider whether it should make any recommendations to the Full Council of the City Council (or in relation to a Parish Councillor to the Parish Council) with a view to promoting high standards of conduct among Councillors.</p> <p>6.8 The Chair will confirm that a full written decision shall be issued within 7 working days following the hearing and that the Sub-Committee's findings to be published.</p>



# Governance and Audit Committee

13 December 2023

Item

11

Report of **Head of Governance and Monitoring Officer** Author **Andrew Weavers**  
☎ 282213

Title **Review of Local Code of Corporate Governance  
2023/24**

Wards affected Not applicable

## 1. Executive Summary

- 1.1 This report requests the Committee to review the Local Code of Corporate Governance for 2023/24. The Local Code of Corporate Governance is how the Council demonstrates that its structures comply with the recognised principles of good governance.
- 1.2 The report also recommends that Full Council includes the Code in its Policy Framework which comprises all of the Authority's key policies.

## 2. Recommended Decision

- 2.1 To review the updated Local Code of Corporate Governance for 2023/24.
- 2.2 To recommend to Full Council that it be approved for inclusion in the Council's Policy Framework.

## 3. Background

- 3.1 In 2007 CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives) issued "Delivering Good Governance in Local Authorities", a guide to ensuring that local authorities are appropriately governed. This was updated in April 2016.
- 3.2 Governance is defined as the systems and processes, and cultures and values, by which an organisation is directed and controlled and through which it accounts to, engages with and, where appropriate, leads their communities. It is about how Colchester Borough Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner
- 3.3 The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Councillors and Officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal.
- 3.4 Therefore a Local Code of Corporate Governance has been developed to ensure that the Council complies with the principles set out in the CIPFA/SOLACE guidance. The Local Code is reviewed annually, to ensure that the Council is still satisfying the principles, and forms part of the Council's Policy Framework. The Committee last considered the Local Code at its meeting on 22 November 2022.

- 3.5 The guidance identifies six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. The principles are;
- Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area;
  - Councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
  - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
  - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
  - Developing the capacity and capability of members and officers to be effective; and
  - Engaging with local people and other stakeholders to ensure robust public accountability.

3.6 The six core principles each have a number of supporting principles, which in turn have a range of specific requirements that apply across the range of Council business.

3.7 The Local Code, and the Council's compliance with the principles, have been reviewed, and attached at Appendix 1 is the updated Local Code of Corporate Governance for 2023/24. This sets out the six principles and elaborates on how the Council is meeting them, what source documents or processes evidence this and in addition highlights any further or ongoing work. This in turn links into the Council's Annual Governance Statement.

3.8 The Local Code has been updated to reflect the delivery of the strategic plan 2020-23 and Cabinet's vision and priorities, along with details of the peer challenge, the People Strategy, apprenticeship programme for staff, the creation of a central site for council data and provision of cost of living resources. Details of the newly created staff engagement group, 'Speak up Now', have also been provided. Otherwise, there have been no significant changes to the Local Code following the review, and it is considered still fit for purpose.

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

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

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

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

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

6.1 None.





Colchester  
City Council

# Code of Corporate Governance 2023/24

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

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## THE PRINCIPLES OF CORPORATE GOVERNANCE

- Core Principle 1** *Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area.*
- Core Principle 2** *Members and officers working together to deliver the objectives of the Strategic Plan (the common purpose) with clearly defined functions and roles.*
- Core Principle 3** *Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.*
- Core Principle 4** *Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.*
- Core Principle 5** *Developing the capacity and capability of members and officers to be effective.*
- Core Principle 6** *Engaging with local people and other stakeholders to ensure robust public accountability.*

## CODE OF CORPORATE GOVERNANCE

### INTRODUCTION

*“Governance is about how local government bodies ensure that they are doing the right things, in the right way for everyone, in a timely, inclusive, open, honest and accountable manner.*

*It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and where appropriate, lead their communities”.*

**Delivering Good Governance in Local Authorities (CIPFA/SOLACE 2007)**

**The CIPFA/SOLACE guidance “Delivering Good Governance in Local Authorities” identified six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. These principles are:**

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

**This Code of Governance has been prepared in accordance with the Guidance and will be reviewed by the Governance and Audit Committee on an annual basis.**

**Additionally, authorities are required to prepare and publish an Annual Governance Statement in accordance with this framework under Regulation 4(2) of the Accounts and Audit (Amendment) (England) Regulations 2011. The Annual Governance Statement is a key corporate document. The Chief Executive and the Leader of the Council have joint responsibility as signatories for its accuracy and completeness.**

## PRINCIPLE ONE

**Core Principle 1 – Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area**

**Our aims in relation to focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area are to:**

- 1.1 Exercise strategic leadership by developing and clearly communicating the authority’s purpose, vision and its intended outcome for citizens and service users
- 1.2 Ensure users receive a high quality service whether directly, or in partnership, or by commissioning
- 1.3 Ensure that the authority makes best use of resources and that tax payers and service users receive excellent value for money

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.1.1 Develop and promote the Council's purpose and vision</p>	<p>The <a href="#">Strategic Plan 2023-26</a> sets out how the Council will address the key challenges facing the City through five strategic priority themes. It was approved by Full Council in February 2023. In March 2023 the Cabinet agreed the <a href="#">strategic plan delivery plan</a>.</p> <p><a href="#">Performance report</a> to Cabinet in September 2023 reviewing the details of delivery against the council's 20-23 strategic plan.</p> <p>The Council's commercial programme, including its three trading subsidiaries – Amphora Trading, Homes and Energy – within Colchester Commercial (Holdings) Ltd (CCHL) holding company.</p> <p>Partnership working with local, regional and national stakeholders.</p> <p>Service Plans.</p> <p>ICT, Communication and Technology Strategy.</p> <p>Council website – <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a>.</p> <p>Local Research and Statistics data on website.</p> <p>The Constitution and its committees and panels.</p> <p>People Strategy - embedding the organisational goals for staff, including our people vision and values.</p> <p>Key Performance Indicators (KPIs) reported and published to show achievements against targets</p> <p>The Council's strategies and policies.</p> <p>Awards and accreditations - <a href="#">council-wide</a></p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2023-26</a>, including the <a href="#">strategic plan delivery plan</a>.</p> <p>The final recommendations from the <a href="#">Peer Challenge</a> are being implemented and <a href="#">progress report</a> was presented to Cabinet in July 2023.</p> <p>The future strategy of the <a href="#">CCHL/Amphora companies</a>, and the implementation of their high-level goals, financial targets and management agreements. Monitoring includes the <a href="#">CCHL Annual Report 2022/23</a>.</p> <p>Encouraging self-serve and online options to maximise use of resources.</p> <p>The Council's Performance Management Office reviews customer demand and feedback, statistics and research to support business improvement.</p> <p>Council website – continuing its development to support the Council's vision and objectives, including focus on online self-serve options.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
1.1.1 Develop and promote the Council's purpose and vision contd.	<p data-bbox="824 268 1406 304"><a href="#">Publication Scheme/Transparency Code.</a></p> <p data-bbox="824 379 1518 702"><a href="#">The North East Essex Digital Access Support Team (NEE DAST)</a> is a collaboration between North East Essex Integrated Care Board, Tendring District Council and Colchester City Council, providing a free service to residents that helps them gain basic skills and confidence using smart technology, providing both virtual and community-based events, including drop-in sessions and one-to-ones.</p>	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.1.2 Review on a regular basis the Council's vision for the local area and its impact on the authority's governance arrangements</p>	<p>Strategic Plan and its Action Plan.  The Constitution and its committees and panels.  Medium Term Financial Strategy and Capital Programme.  Local Code of Corporate Governance.  Annual Governance Statement and Assurance Framework.  Risk Register.  <a href="#">update on progress in delivering Cabinet vision and priorities</a> and <a href="#">news releases</a>.</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2023-26</a>, including the <a href="#">strategic plan delivery plan</a>.</p> <p>The final recommendations from the <a href="#">Peer Challenge</a> are being implemented and <a href="#">progress report</a> was presented to Cabinet in July 2023.</p> <p>Local Code of Corporate Governance updated annually as required by CIPFA Guidance.</p> <p>Terms of Reference of the Policy Panel reviewed and changed to ensure the Panel considers issues at the request of Cabinet and Portfolio Holders and must seek approval from Cabinet on whether and how issues proactively identified by the Panel are examined.</p>



In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties.</p>	<p>Strategic Plan 2020-23 Partners were key contributors in the Peer Challenge Safer Colchester Partnership – annual plan, website, strategic and operational groups Working with a range of partners to provide customer-facing services.</p>	<p>Crime and Disorder Committee examines the work of the Safer Colchester Partnership.  Proposed inclusion of Health Alliance director on the Council’s Board of Directors.  Development of shared services arrangement with Epping Forest and Braintree District Councils.</p>
<p>1.1.4 Publish an annual report on a timely basis to communicate the authority’s activities and achievements, its financial position and performance</p>	<p>Strategic Plan actions and monitoring of delivery Statement of Accounts Council’s website <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a> Awards and accreditations, Performance and Improvement sections of the website Performance Management Board ICT, Communication and Technology Strategy The Council’s Forward Plan Publication Scheme/Transparency Code All <a href="#">Annual Reports</a> into one place on the website for improved transparency and open access. An online '<a href="#">Council data</a>' library gives access to view and download a range of council databases, performance data and information.</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2023-26</a>, including the <a href="#">strategic plan delivery plan</a>. <a href="#">update on progress in delivering Cabinet vision and priorities</a> and <a href="#">news releases</a>.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.2.1 Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available</p>	<p>Performance reporting to Senior Management, Scrutiny Panel and Cabinet            Consultation – “Consultations, Research and Statistics” section on website            Mosaic and other customer research tools            Annual Monitoring Report            External Audit annual audit letter and recommendations            Local Government and Social Care Ombudsman – Annual Review Letter            Review of Complaints Procedure</p>	<p>Research and Change Team review customer demand and feedback, statistics and research to encourage services to make informed choices based on fact, and support process improvement work council-wide.</p> <p>‘Customer’ strand of the Council’s <a href="#">Customer Service Standard</a>.</p> <p>‘Customers and Partnerships’ strand of Senior Management Team meetings – this meeting aims to ensure we are focused on our customers and looking for partnership opportunities.</p> <p>Feedback tab on webpages  <a href="#">‘Help us get it right’</a> options for customers</p>

In order to achieve our aims we have/will:	Source documents/processes	Further work ongoing
1.2.2 Put in place effective arrangements to identify and deal with failure in service delivery	Performance reporting and performance indicators Complaints Procedure Internal Audit Process and annual work programme Chief Operating Officer Performance Management Board – will PMB still exist under the new SMT arrangements? External Auditor’s annual audit letter and recommendations The Constitution, Committees and Panels Risk Management Strategy Ethical Governance Policies Annual Governance Statement Action Plan Review of Complaints Procedure	Performance Management Board addresses and manages performance and financial issues and meets monthly. Preparation for Budget Group is also managed here.  <u>'Help us get it right'</u> options for customers
1.3.1 Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.	Performance Reporting Performance Management Board Environmental Sustainability Strategy/Actions External Auditor’s annual audit letter and recommendations Statement of Accounts Annual Treasury Strategy Statement North Essex Parking Partnership annual report Report templates – financial considerations Monitoring of commercial performance Publication Scheme/Transparency Code Sustainability assessments for Local Plan	Building a sustainable commercial services arm for the Council – CCHL/Amphora trading companies. The Council has declared a Climate Emergency and has established an Environment and Sustainability Committee. This is an advisory Panel to Cabinet looking at how the Council should respond to the climate emergency. All decision making reports require an assessment of the environmental and sustainability implications of the decision.

## PRINCIPLE TWO

**Members and officers working together to deliver the objectives of the Strategic Plan (the common purpose) with clearly defined functions and roles.**

**Our aims in relation to Members and Officers working together to achieve a common purpose with clearly defined functions and roles are to:**

- 2.1 Ensure effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function
- 2.2 Ensure that a constructive working relationship exists between authority members and officers and the responsibilities of members and officers are carried out to a high standard
- 2.3 Ensure relationships between the authority, its partners and the public are clear so that each knows what to expect of the other

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.1.1 Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice	Constitution (Cabinet terms of reference) Record of decisions and supporting materials Member/Officer Protocol Member Training and Development Senior officer training Member role profiles Committee and Councillor area on the Council website Publication Scheme/Transparency Code	The Constitution will continue to be reviewed on a rolling basis.
2.1.2 Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers	Constitution (Statutory Officer positions, Terms of Reference for Committees, Member roles) Protocols on planning, the representational role of Members, Chairmen, Officer/Members Schemes of Delegation Terms and Conditions of Employment Member role profiles	.
2.2.2 Make the chief executive or equivalent responsible and accountable to the authority for all aspects of operational management	Development of the Committee and Councillor area on the Council website provides more complete and easily accessible information about Councillors and the Council's decision making processes. Chief Executive designated with Head of Paid Service responsibilities Conditions of Employment Schemes of Delegation Job Accountability Statement /Person Specification Signature on Annual Governance Statement	The Constitution will continue to be reviewed on a rolling basis.  Support for this from Chief Operating Officer  Proposed new SMT arrangements designed to streamline officer decision making and increase accountability of operational managers.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.2.3 Develop protocols to ensure that the leader and chief executive (or equivalent) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained	Constitution Member/Officer Protocol Regular 1:2:1s	The Constitution will continue to be reviewed on a rolling basis.  The development of the CCHL/Amphora companies, and the implementation of their high-level goals, financial targets and management agreements.
2.2.4 Make a senior officer (usually the section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control	Strategic Finance Manager is the Council's Chief Financial Officer (S151 Officer). Constitution Job Accountability Statement / Person Specification S151 Officer Protocol Report template includes financial implications before report considered by Members Officer Pay Policy agreed by Full Council	
2.2.5 Make a senior officer (other than the responsible financial officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes, regulations are complied with (usually the Monitoring Officer)	Strategic Governance Manager is the Council's Monitoring Officer Monitoring Officer Protocol Job Accountability Statement / Person Specification Report template requires that Legal Services are consulted before a report is considered by Members	
2.3.1 Develop protocols to ensure effective communication between members and officers in their respective roles	Member / Officer Protocol Planning Procedures Code of Practice Outside Bodies advice given to Members Member and Officer Codes of Conduct	Portfolio Holder briefings  All member briefings

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.3.2 Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process including an effective remuneration panel (if applicable)	Pay and conditions policies and practices Independent Remuneration Panel Terms of Reference and Reports Regular liaison meeting with Unison Officer Pay Policy agreed by Full Council	
2.3.3 Ensure that effective mechanisms exist to monitor service delivery	Performance reporting and performance indicators Complaints Procedure Assistant Directors monitoring Service Plans Performance Management Board Performance management system Scrutiny Panel Annual Governance Statements for the Council, Colchester and Ipswich Museums Service and North Essex Parking Partnership Publication Scheme/Transparency Code	Customers and Partnerships' strand of Senior Management Team meetings  Customer insight work

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>2.3.4 Ensure that the organisation’s vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated</p>	<p>Strategic Plan underpinned by a review of all existing consultation work.            Medium Term Financial Strategy            Performance reporting and indicators            Council Website            ICT, Communication and Technology Strategy            News releases, e-newsletters and social media            Customer insight groups            Service Reviews  <a href="#">update on progress in delivering Cabinet vision and priorities</a> and <a href="#">news releases</a>.</p>	<p>Policy Panel set up to provide legislative, improvement and policy advice to Cabinet and Portfolio Holders on issues that may affect executive functions.</p> <p>Environment and Sustainability Panel set up on the same basis as the Policy Panel, but to provide Colchester’s response to the climate emergency.</p> <p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2023-26</a>, including the <a href="#">strategic plan delivery plan</a>.</p> <p>The final recommendations from the <a href="#">Peer Challenge</a> are being implemented and <a href="#">progress report</a> was presented to Cabinet in July 2023.</p>



In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.3.5 When working in partnership ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority	Constitution Individual Partnership Agreements Service Level Agreements Advice given to Members in relation to outside bodies	Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny.
2.3.6 When working in partnership: <ul style="list-style-type: none"> <li>• ensure that there is clarity about the legal status of the partnership</li> <li>• ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.</li> </ul>	Constitution Individual Partnership Agreements Service Level Agreements Advice given to Members in relation to outside bodies Monitoring Officer role and protocol	Customers and Partnerships' strand of Senior Management Team meetings.  Development of shared services arrangement with Epping Forest and Braintree District Councils.

## PRINCIPLE THREE

**Core Principle 3 – Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

**Our aims in relation to promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour are to:**

- 3.1 Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.
- 3.2 Ensuring that organisational values are put into practice and are effective.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.1.1 Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect.	Constitution Chief Executive's and Leader's blog on intranet Performance reporting Governance and Audit Committee has an overall view of conduct issues established by its terms of reference Member and Officer Codes of Conduct Member/Officer Protocol Whistleblowing Policy Anti-Fraud and Corruption Policy Freedom of Information Policy statement and publication scheme Monitoring Officer and S151 Officer Protocols Localism Act Member conduct regime Annual review of Ethical Governance policies Peer Challenge Planning Procedures Code of Practice Officer Register of Gifts and Hospitality Officer voluntary register of interests Members' Register of Interests Website and intranet Portfolio Holder monthly sessions with senior officers "Corporate Governance" section on the Council's website bringing all relevant information together under one heading 'Council data' online resource	Staff survey and taking action on its findings  Leadership Development Programme led by Executive Management Team  Social media, including Yammer  Regular staff news bulletins by email  Information and videos on intranet  Employee Assistance Programme  Staff Wellbeing Champions and Mental Health First Aiders

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>3.1.2 Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols</p>	<p>Member and Officer Codes of Conduct  Performance management system  Complaints procedures  Anti-fraud and Corruption Policy  Member/Officer Protocol  Induction for new Members and staff  Member Development Programme  Officer training on Member/ officer relationship  Whistleblowing Policy  Information and Communication Technology  ICT Security Policy  Safeguarding Policy  Intranet  Annual review of Ethical Governance policies  Review of Complaints Procedure</p>	<p>Embedding the organisational goals for staff, including our people vision and values.</p> <p>The Job Accountability Statement/Person Specification template highlights the core values to applicants, and the staff appraisal scheme makes how you conduct yourself against the values, attitudes and behaviours to be equally important to achieving the SMART objectives that apply to the role.</p> <p>Adoption of New Model Code of Conduct and provision of training on the new code for members.</p>
<p>3.1.3 Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice</p>	<p>Member and Officer Codes of Conduct  Equality and Diversity training for Members and Officers  Financial Procedure Rules,  Contract Procedure Rules  Ethical Governance policies  Registers of Interests (Officers and Members)  Services and processes are underpinned by  Equality Impact Assessments  Equality Objectives  Officer induction and training  Annual review of Ethical Governance Policies  Job Accountability Statements include whether or not a role is politically restricted</p>	<p>Response to consultation on revised Member Code of Conduct.</p> <p>Adoption of New Model Code of Conduct and provision of training on the new code for members.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.2.1 Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners	Member and Officer Codes of Conduct Strategic Plan, objectives and priorities in place and shared Performance reporting Strategic Plan Action Plan – progress is reported to scrutiny on a half-yearly basis	People Strategy - embedding the organisational goals for staff, including our people vision and values  People Strategy actions
3.2.2 Put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	Contract Procedure Rules Ethical Governance Policies Member and Officer Codes of Conduct Monitoring of the above takes place by the Governance and Audit Committee ICT Security Policy Annual reporting to Governance and Audit Committee	
3.2.3 Develop and maintain an effective Standards Committee	Member conduct issues (standards) within remit of Governance and Audit Committee Agenda and Minutes Terms of Reference Regular meetings Member training on Code of Conduct Work programme	Annual review of the Localism Act arrangements by the Governance and Audit Committee.  Adoption of New Model Code of Conduct and provision of training on the new code for members.
3.2.4 Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority	Member and Officer Codes of Conduct Strategic Plan, objectives and priorities in place and being shared Performance Appraisals Portfolio Holder briefing with Senior Managers Policy Framework	People Strategy - embedding the organisational goals for staff, including our people vision and values.

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
3.2.5 In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively	Values agreed with each partner	<p>Annual report to Cabinet on Members' appointments to outside bodies, including feedback on outcomes, issues and engagement</p> <p>Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny</p> <p>Development of shared services arrangement with Epping Forest and Braintree District Councils.</p>

## PRINCIPLE FOUR

### **Core Principle 4 – Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

#### **Our aims in taking informed and transparent decisions which are subject to effective scrutiny and managing risk are to:**

- 4.1 Being rigorous and transparent about how decisions are taken and listening and acting on the outcomes of constructive scrutiny.
- 4.2 Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.
- 4.3 Ensuring that an effective risk management system is in place.
- 4.4 Using their legal powers to the full benefit of the citizens and communities in their areas.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.1.1. Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the organisation's performance overall and of any organisation for which it is responsible	Scrutiny is supported by robust evidence and data analysis Agenda and Minutes Scrutiny Panel Work programme Successful outcome of reviews Ownership of work programme Training for scrutiny chairman and members Scrutiny of partners and joint projects	Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny  Specialised training provided to Scrutiny members
4.1.2 Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	The Constitution, Committees and Panels Decision making protocols Record of decisions and supporting materials Report template Decision list published (members) Live streaming of meetings via YouTube Website	Meetings have been live streamed through YouTube or Audiominutes leading to greater public engagement.
4.1.3 Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	Member and Officer Codes of Conduct Member and Officer Registers of Interests Declaration of Interests at meetings Code of Conduct guidance and training provided to Members and Officers Planning Procedures Code of Practice Governance and Audit Committee (responsibility) and Monitoring Officer (reports) Politically restricted posts Ethical Governance Policies, and annual review Secondary Employment Policy	Adoption of New Model Code of Conduct and provision of training on the new code for members.



In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.1.4 Develop and maintain an effective Audit Committee (or equivalent) which is independent or make other appropriate arrangements for the discharge of the functions of such a committee	Audit issues within remit of Governance and Audit Committee Member Development Programme Agenda and Minutes The Constitution	Continue to review Member training programme with specific reference to audit and governance  Complete self assessment of Audit committee function.
4.1.5 Put in place effective transparent and accessible arrangements for dealing with complaints	Complaints procedure " <a href="#">Help us get it right</a> " on website with full details Annual letter from Local Government and Social Care Ombudsman Customer insight work Social media Review of Complaints Procedure	
4.2.1 Ensure that those making decisions whether for the authority or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications	Council's Website Report templates dealing with key aspects Report by Assistant Director with necessary technical expertise included Training and professional development Equality Impact Assessments Clear and well understood decision-making processes with published timelines Publication Scheme and Transparency Code 'Council data' online resource	Projects carried out by the Council's Research and Change Team  Customer insight work  Introduction of a requirement that all decision making reports must address the environmental and sustainability implications of the decision.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.2.2 Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately	Report template requires that consultation is undertaken with legal and financial functions before report considered by Members Record of decision making and supporting materials S151 and Monitoring Officer Protocols Equality Impact Assessments Clear and well understood decision making processes with published timelines.	Business Partners for Corporate and Improvement Services, including legal and financial matters
4.3.1 Ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognising that risk management is part of their job	Risk Management Strategy - Policy Framework Corporate Risk Manager Corporate/service planning Cabinet Member with accountability for risk management Half-yearly reporting to Governance and Audit Committee Performance Management Board quarterly risk review Risk Registers- Strategic, Operational and Project Risk and Control self-assessment completed by all managers Training for Members and Officers Intranet area for Risk Management Corporate Governance Team, bringing together the co-ordination of governance processes.	Embedding of risk management processes into projects, with a review of what constitutes a significant project  Integrating operational, strategic and project risks into the risk reporting process to senior management

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.4.1 Actively recognise the limits of lawful activity placed on them by, for example the ultra vires doctrine but also strive to utilise powers to the full benefit of their communities	Constitution Monitoring Officer Report templates Equality Impact Assessments Equality Objectives	
4.4.2 Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law	Availability of professional legal advice Knowledge of current and forthcoming legislation and regulations Monitoring Officer Protocol S151 Officer Protocol Report templates Constitution Equality Impact Assessments Equality Objectives Training and Policy updates	Business Partners for Corporate and Improvement Services, including legal and financial matters
4.4.3 Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice into their procedures and decision making processes	Availability of professional legal advice Knowledge of current and forthcoming legislation and regulations Monitoring Officer Protocol S151 Officer Protocol Procedure Rules Report template Constitution Format for quasi-judicial committees “Have Your Say” processes Planning Procedure Code of Practice Equality Impact Assessments Equality Objectives 'Council data' online resource	Business Partners for Corporate and Improvement Services, including legal and financial matters

## PRINCIPLE FIVE

### **Core Principle 5 – Developing the capacity and capability of Members and Officers to be effective**

#### **Our aims in relation to developing the capacity and capability of Members and Officers to be effective are:**

- 5.1 Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles
- 5.2 Developing the capability of people with governance responsibilities and evaluating their performance as an individual and as a group
- 5.3 Encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>5.1.1 Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis</p>	<p>Member training and development  Member training records on the website  Member and Officer Induction programmes  Refresher courses  Briefings  Performance reviews for officers  People Strategy  Personal Development Plans  Learning and Development Strategy  Charter Status for Elected Member Development renewed 2022 (re-assessed every 3 years)</p>	<p>Member skills development</p> <p>Intranet section with e-induction options and information for new starters.</p> <p>Learning and Development section on the intranet is now a 'one stop shop' for staff e-learning – from induction to essential skills and wellbeing – with new section offering free webinars/resources.</p> <p>External assessment for the reaccreditation of Member Charter Status required every 3 years – retained 2022.</p> <p>Refreshed approach to member induction in 2022</p>
<p>5.1.2 Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the organisation</p>	<p>Appraisals and regular 1 to 1 sessions  Personal Development Plans  Training and development  Recruitment and Induction  Monitoring Officer and S151 Officer Protocols  Employee Policies  Learning and Development Strategy/Annual Learning and Development Plan  Talent Management/Career Track for staff  Future Leader programme</p>	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.2.1 Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively	Performance reviews for officers SMART objectives Personal Development Plans for officers Member training and development People Strategy Learning and Development Strategy/Annual Learning and Development Plan Charter Status for Elected Member Development renewed 2022 (re-assessed every 3 years) Talent Management/Career Track for staff – Senior Management Team considers critical roles; moderate career track paths; confirm Future Leader or Future Potential assessments; and then consider those on the Future Leader career track and manage their development	Member skills development  Specialised training provided to Scrutiny members.  External assessment for the reaccreditation of Member Charter Status required every 3 years – retained 2022.  Member Development Group is overseeing work looking at Personal Development Plans for members.
5.2.2 Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed	Performance reviews for officers Personal Development Plans for officers Member training and development Member scrutiny training People Strategy Colchester Learning Managers Vine HR and East of England Local Government Association – meetings, best practice and briefings Peer Challenge and action plan Charter Status for Elected Member Development renewed April 2022 (re-assessed every 3 years) Talent Management/Career Track for staff	Member skills development  Learning and Development – commercial and Office365 skills  Specialised training provided to Scrutiny members.  External assessment for the reaccreditation of Member Charter Status required every 3 years – achieved 2022.

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
5.2.3 Ensure that effective arrangements are in place for reviewing the performance of the authority as a whole and of individual members and agreeing an action plan which might for example aim to address any training or development needs	Performance reporting and indicators Performance and Improvement Framework Performance management and appraisals – staff SMART objectives People Strategy Peer Challenge and action plan Annual Audit Letter Members’ Training Needs Analysis Annual Training Plan Local Government and Social Care Ombudsman Annual Letter	External assessment for the reaccreditation of Member Charter Status required every 3 years – retained 2022.

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
<p>5.3.1 Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority.</p>	<p>Equality Impact Assessments on services and policies                      Consultations, Research and Statistics on website                      Voluntary Sector Grants programme                      Community Enabling Strategy                      Public meetings                      Equality Objectives                      Strategic Plan Consultation                      Local Development Framework consultation                      Community development work                      Consultations                      Customer insight work                      Research and Change Team projects                      Have Your Say! processes                      Appointment of Independent Persons                      Audio streaming of Council meetings</p> <p>The adoption of on-line committee meetings, during the pandemic, enabled greater participation from all sections of the community. The viewing figures demonstrate greater public participation than the previous audio recordings. A public consultation provided responses that demonstrated overwhelming support for on-line meetings.</p>	<p>Apprenticeship scheme, and encouraging the Council’s apprentices to take part in elections work</p> <p>Locality Budgets</p> <p>Use of social media</p> <p>Maintaining the Council’s commitment to paying the Living Wage as a minimum for its staff including, for example, those helping to support the Council’s elections work at polling stations</p> <p>Although the temporary legislation for on-line formal meetings was not extended beyond May 2021, all opportunities will be taken to lobby for a change in legislation to allow decision making to take place in a virtual environment.</p> <p>Non-formal meetings continue to be held virtually, where appropriate.</p> <p>Further development of the technology required to enable fully interactive hybrid meetings in the future.</p>



In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.3.2 Ensure that career structures are in place for Members and Officers to encourage participation and development	People Strategy Internal Recruitment Process Internal Secondments Personal Development Plans for officers Personal Development Plans for members Talent Management/Career Track for staff Future Leader Programme Member skills development Staff structure charts	Apprenticeship Programme for staff  Staff Recognition Scheme and annual celebration of achievements.  Opportunities such as the District Council Staff Development Programme and the Local Authority Challenge as they arise  Commitment to LGA Leadership Academy Member Development Group is overseeing work looking at Personal Development Plans for members.

## PRINCIPLE SIX

### **Core Principle 6 – Engaging with local people and other stakeholders to ensure robust public accountability**

#### **Our aims in relation to engaging with local people and other stakeholders to ensure robust public accountability are to:**

- 6.1 Exercise leadership through a robust scrutiny function which engages effectively with local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.
- 6.2 Take an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly, in partnership or by commissioning.
- 6.3 Make best use of human resources by taking an active and planned approach to meet responsibility to staff.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.1.1 Make clear to themselves, all staff and the community, to whom they are accountable and for what	Constitution Community Enabling Strategy Stakeholder identification Targets and Performance Monitoring Website and intranet Consultation work ICT, Communication and Technology Strategy Asset Management Strategy 'Council data' resource on the Council's website brings together all information required under statutory codes such as the 'Local Government Transparency Code' and the 'Publication Scheme' to make this easily accessible <a href="#">Structure charts</a> for senior management	A wide range of information is brought together into one place on our website -- <a href="#">Council Data</a> - much of this can be downloaded / shows year-on-year data. Planned IT and access improvements have now been made.  Locality Budgets for councillors have been brought in with clearer guidelines and all spend/activity transparently available on the Council's website.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.1.2 Consider those institutional stakeholders to whom they are accountable and assess the effectiveness of the relationships and any changes required	Stakeholder identification Statutory provisions Stakeholder surveys Consultation Strategy ICT, Communication and Technology Strategy Scrutiny Panel and the Crime and Disorder Committee Work Programme 'Council data' online resource	Ongoing review of Freedom of Information requests to see if there are items which could be put onto the website or 'Council data', so that a repeat request would not be needed as the item had been made freely available.
6.1.3 Produce an annual report on scrutiny function activity	<a href="#">Annual Scrutiny Report</a> agreed by Full Council	
6.2.1 Ensure that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively	ICT, Communication and Technology Strategy News releases, e-newsletters and social media Websites for the Council and subsidiaries Equality Impact Assessments Safeguarding Policies 'Council data', Freedom of Information and Data Protection section of the website Recordings of meetings on the website <a href="#">Cost of Living</a> resources set up, and have provided a source of latest updates, information, advice and support for <a href="#">residents</a> , <a href="#">businesses</a> and <a href="#">communities</a> . These were based on experience and feedback gained from the <a href="#">Coronavirus</a> resources. <a href="#">The North East Essex Digital Access Support Team (NEE DAST)</a> providing a free service to residents that helps them gain basic skills and confidence using smart technology, providing both virtual and community-based events, including drop-in sessions and one-to-ones.	Social media and text messaging  Customer and demand projects

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.2.2 Hold meetings in public unless there are good reasons for confidentiality	Constitution Access to Information Rules Compliance with Localism Act access to information regulations Audio streaming of Council meetings	Meetings have been live streamed through YouTube or Audio minutes leading to greater public engagement.
6.2.3 Ensure arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands	Strategic Plan Website - "Consultations, Research and Statistics" section Consultation work ICT, Communication and Technology Strategy Community development work Equality Objectives/Equality Impact Assessments Budget Consultation Meeting	Holding <a href="#">public consultations</a> on key issues to encourage different sections with differing views to take part
6.2.4 Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result	Statement of Community Involvement Customer insight project team and its work Partnership framework ICT, Communication and Technology Strategy Consultation Strategy Budget Consultation - meeting and online Strategic Plan consultation Website - "Consultations, Research and Statistics" section Cabinet and Council – progress of questions raised by the public	Policy Panel review of results and data collected in recent surveys and consultations with a view to exploring these in more depth at future meetings as part of the Panel's forward plan.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.2.5 On an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period	Statement of Accounts Strategic Plan Strategic Plan Action Plan – progress is reported to Scrutiny and Cabinet on a half-yearly basis Performance Reporting and Indicators Council website has “Performance and Improvement”, “Council Awards and Achievements” and “Council and Democracy” sections Publication Scheme and Transparency Code All annual reports into one central place on the Council's website for improved transparency.	
6.2.6 Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so	Constitution Customer service standards Voluntary Sector Compact “Have Your Say” at meetings Freedom of Information Act Publication Scheme Member and Officer Codes of Conduct Ethical Governance Policies Monitoring Officer Protocol ICT, Communication and Technology Strategy Data Protection Policy ICT Security Policy Council website 'Council data', Freedom of Information and Data Protection section of the website National Fraud Initiative - Fair Processing Notice Publication Scheme and Transparency Code Live Streaming of Council meetings	Security checks on staff who process official/sensitive information using the Public Sector Network or who need a secure GCSX e-mail address  Working with a range of partners to provide customer-facing services.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making	Investors in People Facilities and Recognition Agreement with UNISON – including monthly meetings. Internal Communications Strategy Service Reviews and other operational reviews include consultation and involvement arrangements as part of the process/staff communications	Staff survey and taking action on its findings  Staff involvement – engagement group called ‘Speak Up Now’ has been established







## Governance and Audit Committee

Item  
**12**

13 December 2023

Report of	Head of Governance and Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of the Member / Officer Protocol		
Wards affected	Not applicable		

### 1. Executive Summary

- 1.1 The Council has agreed a Member / Officer Protocol which provides a framework for good working relationships between Councillors and Officers, and which is included in the Constitution. This report requests the Committee to review the Member / Officer Protocol.

### 2. Recommended Decision

- 2.1 To approve the Member / Officer Protocol attached to this report and that it be included in the Council's Constitution.

### 3. Background

- 3.1 The Member / Officer Protocol is contained in Part 5 of the Constitution. This Protocol provides a framework for good working relationships between Councillors and Officers, to define their respective roles and provide some principles governing conduct. The Committee last reviewed the Protocol at its meeting on 22 November 2022 when no changes were proposed.
- 3.2 The Full Council at its meeting on 18 October 2023 agreed a motion regarding transparency and as part of that it became subsequently apparent that there were no agreed response times in which officers should be responding to councillor enquiries. The Leader and the Head of Governance considered that this could be best addressed by setting out clear expectations in the Member / Officer Protocol.
- 3.3 The suggested changes are detailed at paragraphs 16 and 17 of the Member / Officer Protocol attached to this report. The proposed response times are consistent with those of other Local Authorities and set out a clear process and timescales which will provide certainty for councillors. It is also proposed that councillor enquiries will be logged via an App which will provide an audit trail of the enquires and ensure that requests are monitored and responded to within the agreed timescales. The details of how this will work in practice are currently being finalised with the intention that the new process is launched early in the New Year.
- 3.5 Once the details have been finalised and agreed, a communications exercise will be undertaken to launch the process with both councillors and officers to ensure awareness. It is proposed that the process is kept under review and that a report is brought back to this Committee next year on the process's effectiveness etc.
- 3.6 The remainder of the Member / Officer Protocol remains fit for purpose and no other changes are proposed.

### 4. Strategic Plan References

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

**5. Publicity Considerations**

5.1 The Member / Officer Protocol forms part of the Council's Constitution which is published on the Council's website

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

6.1 None.

# Colchester City Council

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## Member / Officer Protocol

### Introduction

- (a) This Protocol sets down a framework for the interaction between Members and Officers to seek to ensure that Members and Officers work together effectively and efficiently to conduct the business of the Council.
- (b) The conduct of Members is governed by the Council's Members' Code of Conduct and Localism Act Arrangements. The conduct of Officers is governed by the Council's Code of Conduct for Council Employees.
- (c) This Protocol does not replace or affect those Codes; it contains a framework relating only to the areas of interaction between Members and Officers. However, a breach of the provisions of this Protocol is likely to constitute a breach of the relevant formal Code which in turn could lead to appropriate formal action being taken.

### 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, Scrutiny Panel, Planning Committee, Licensing Committee, Local Plan Committee, Governance and Audit Committee, Policy Panel, and Environment and Sustainability Panel 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, i.e. 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) This Protocol also applies to officers employed by the Council which deliver services and functions on behalf of partner organisations i.e. North Essex Parking Partnership and Colchester and Ipswich Joint Museum Service. Additionally, some officers have also been appointed as directors of the Council's commercial companies as a consequence of their employment by the Council and remain subject to this Protocol even whilst acting in their directorship capacity.
- (4) Officers are responsible to their line manager and, ultimately, their Head of Service who in turn are accountable to the Chief Operating Officer / Deputy Chief Executive and Strategic Directors. The Chief Operating Officer and Deputy Chief Executive and Strategic Directors are accountable to the Chief Executive. The Chief Executive is accountable to the whole Council. Some senior officers have specific statutory responsibilities, including the Chief Executive, as Head of Paid Service (Section 4, Local Government and Housing Act 1989), the Head of Governance, as Monitoring Officer (Section 5, Local Government and Housing Act 1989), and Shared Director of Finance 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.;
  - Chairs and Vice-Chairs of Committees and Panels;
  - all Members of the 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 political 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) Officers from the Council's Governance Team will provide advice and information to Members on declarations of 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. Please refer to the Council's Social Media Policy.

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

## **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 with the Council's Human Resources recruitment policies, 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 they are 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 their favour, nor raise personal matters to do with their 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 the Chief Operating Officer or the Deputy Chief Executive 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 Chair 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 the Chief Operating Officer / Deputy Chief Executive 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/Chair 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 themselves and their line manager, Chief Operating Officer or Deputy Chief Executive, 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 Schemes 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. Officers relationship with the Leader, Cabinet Members and the Chairman of the 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 Leadership 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 Chair of the Scrutiny Panel 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) Members when acting in their official capacity must comply with the Council's Social Media Policy and should not use social media to abuse, harass or undermine respect for officers. Officers should not use social media to criticise or undermine respect for Members and must comply with the Council's Social Media Policy at all times.
- (5) If a Member believes that they have not been treated with proper courtesy or has a concern about the conduct or capability of an Officer, they should raise the matter with the relevant Head of Service. If they are not satisfied with the action that has been taken in response to this, they may raise the matter with the Chief Operating Officer who will look into the matter afresh. If the Chief Operating Officer believes that there is a case to answer the Chief Operating Officer may determine the action to be taken which might include the Council's formal disciplinary procedures. If the Officer concerned is the Chief Operating Officer then the Member should raise the matter with their Group Leader, who should initially discuss the issue with the Chief Executive.
- (6) If an Officer feels that they have not been treated with respect or is concerned about any action or statement in relation to them or a colleague by a Member, or conduct of a Member, the Officer should raise the matter with their 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 the Chief Operating Officer. If there is a serious case to answer the Chief Operating Officer with the agreement of the Chief Executive, may request that the matter be investigated through the Council's Governance and Audit Committee's procedures.
- (7) Where an Officer or Member is concerned about potential unlawful conduct of an Officer or Member, the Council's Whistleblowing 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 or “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 them to properly perform their duties as a Member of the Council. The relevant question to be asked is whether they need to know the information to perform such duties.
- (3) A member of the Cabinet, 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 Scrutiny Panel have the additional rights to access contained at Rule 22 of the Access to Information Procedure Rules.
- (5) Where a Member has a Disclosable Pecuniary 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 range of e-newsletters shall remain politically neutral. They 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 their 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 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 City 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 (e.g. 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. Member enquiries**

Members will submit enquiries to Officers via Escalator / Task mark and each enquiry will be allocated a reference number.

The following process shall be followed by Officers when a Member enquiry is received.

- (1) When Officers receive a Member enquiry (as opposed to a Freedom of Information request which will be dealt with in accordance with the Council's FOI procedure or a complaint which will be dealt with in accordance with the Council's complaint process), they should first ensure that they are the

appropriate person to respond to the enquiry. If the enquiry is redirected to another officer, then the Officer must inform the Member promptly. If the subject matter of the enquiry comprises sensitive information, then the matter should be referred to the relevant the Head of Service or Chief Operating Officer or Deputy Chief Executive.

- (2) When dealing with an enquiry Officers should seek to respond promptly, taking account of the priority given by the Member and their own service priorities:

<b>Priority given by Member</b>	<b>Usual timescale for response</b>
<u>Normal</u>	Within 10 working days from receipt of request
<u>Important</u> (this is where information is needed for a particular time limit)	Within 5 working days from receipt of request

- (3) If a Member receives an out of office notification from an Officer following an enquiry, the usual timescale for response will not apply to the enquiry, which should be redirected in accordance with the out of office message.
- (4) If an Officer cannot reasonably deal with the enquiry within the time limits in (2) above, or if they consider that a Member's enquiry is otherwise unreasonable the Officer will contact the Member concerned to agree an extended time period. If agreement cannot be reached then the Officer will refer the matter to their Head of Service or Chief Operating Officer, Deputy Chief Executive/Chief Executive (as appropriate).
- (5) Officers and Members should act reasonably in agreeing timescales.
- (6) Officers will keep Members informed about the progress of enquiries.

## **17. Contact with the Council in personal capacity**

Sometimes Members will request council services as a private individual, rather than in their capacity as a Member. When this happens, the Member should make this clear and make sure that they do not seek to obtain any special advantage as a result of being a Member as failure to do so could be a breach of the Members Code of Conduct.

## **18. Involvement of Ward Members and MPs**

- (1) Information regarding activities in particular Ward should, when appropriate, be copied to the Ward Member(s) and Essex County Council Divisional 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 any of the Members of Parliament (MP) that represent the City are involved in the local issue, the Officer at their discretion may invite the relevant MP's to the meeting in addition to the Ward Members. If the Officer considers this to be

inappropriate for any reason, they 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.

#### **19. Ministerial Visits**

- (1) If an Officer is made aware that a visit will be made to the City by a Minister of His Majesty's Government (whether at the invitation of the City 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 City by a Minister of His 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.

#### **20. Procedure for dealing allegations of breaches of this Protocol**

- (1) Any allegations that a Member has not complied with this Protocol may be referred to the Governance and Audit Committee who will determine the issue. One of the Council's Independent Persons appointed under the Localism Act 2011 will be invited to attend and advise the Committee (but not vote).
- (2) Any allegations that an Officer has not complied with this Protocol will be dealt with in accordance with the Council's Human Resources procedures.

#### **21. Review of this Protocol**

- (1) This Protocol will be reviewed annually by the Governance and Audit Committee.



13 December 2023

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

## 1. Executive Summary

- 1.1 The Council provides guidance for councillors regarding any gifts and hospitality received in their role as a councillor. The Council has also adopted a policy for its employees in relation to any gifts and hospitality received. This report requests the Committee to approve updated guidance for councillors and policy for employees.

## 2. Recommended Decisions

- 2.1 To approve the attached Guidance for Councillors regarding Gifts and Hospitality and that it be included in the Constitution.
- 2.2 To approve the attached Gifts and Hospitality Policy for Employees.

## 3. Background

- 3.1 The Gifts and Hospitality Guidance for Councillors and the Policy for Employees were last considered by the Committee at its meeting on 22 November 2022.
- 3.2 The Council adopted the Local Government Association's Model Councillor Code of Conduct from 1 December 2022 which retained the requirement from the previous regime for transparency purposes of the registration and declaration of gifts and hospitality of the value of £50 and above as part of the Councillors Register of Interests. These are published on the Council's website as an integral part of the Committee Management Information System (CMIS). Guidance was produced for Councillors who may be offered gifts and/or hospitality and is included in the Constitution. The Guidance has been reviewed and updated and is attached at Appendix 1 of this report and the Committee is requested to approve the Guidance and to include it in the Constitution.
- 3.3 Council employees are required as part of their terms and conditions of employment to register any gifts and hospitality received in via an online register on the Council's intranet. This register is subject to regular review by the Monitoring Officer. In addition, the register is regularly audited by the Council's internal auditors. The employee's policy on gifts and hospitality is published on the Council's intranet and the opportunity has been taken to review and update the Policy which is attached at Appendix 2. The Committee is requested to approve the Policy.

- 3.4 The Monitoring Officer writes annually to both Councillors and Officers reminding them of their obligation regarding declaring and registering gifts and hospitality.

## 4. Strategic Plan References

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

**5. Publicity Considerations**

5.1 The Constitution is published on the Council's website

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

5.1 None.



# Gifts and Hospitality Policy for Employees

A guide for Council employees regarding gifts and hospitality received in the course of their duties

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

November 2023

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## 1. Introduction

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

## 2. Gifts

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

## 3. Hospitality

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

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

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

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

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

## 4. Recording Gifts and Hospitality

4.1 **All** gifts and hospitality which you accept **must** be recorded as soon as possible in the online Gifts and Hospitality Register which can be accessed via COLIN. Any gift or hospitality must be countersigned by your manager. The register is inspected regularly by the Monitoring Officer. The register is subject to regular audit by the Council's auditors.

**Access the register:** [Click Here](#)

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



# Guidance for Councillors regarding Gifts and Hospitality

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

November 2023

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## **1. Introduction**

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

## **2. The Legal Position**

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

## **3. General Advice**

- 3.1 Members are advised to treat with extreme caution any offer or gift, favour or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the Member's independence should not be compromised e.g. planning approval. Members should not accept any gifts or hospitality irrespective of value that could give rise to any gain or concern.
- 3.2 The Code requires that Members do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on their part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

## **4. Gifts**

The following rules should be applied:

- 4.1 Other than the exceptions listed in 4.2 (a) and (b) below, a Member should refuse any gift offered to them or to an immediate relative of the Member, by any person who has or may seek to have dealings with the Council. Members must notify the Monitoring Officer of all such refusals as soon as reasonably practicable regardless of the value of

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the offered gift (unless the gift falls within 4.2 (a) or (b) below). The Monitoring Officer will maintain a record for this purpose.

- 4.2 Members should note that the Members' Code of Conduct requires all gifts and hospitality which exceed fifty pounds in value to be entered on the Members Notice of Registerable Interests which is published on the Council's website. Any gifts or hospitality must be registered within twenty eight days of receipt.

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

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

## 5. Hospitality

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

5.2 Examples of hospitality which may be acceptable follow, but much may depend on the particular circumstances, e.g. who is providing the hospitality, why the Member is there and the nature of the dealings between the Council, the Member and the provider of the hospitality:

- Hospitality provided at a Board meeting of a Council controlled company.
- A working meal provided to allow parties to discuss or to continue to discuss business. (A useful test will often be whether you would provide similar hospitality if the situation was reversed).
- An invitation to attend a dinner or function of a Society, Institute or other non-commercial body with whom the Council has contact.
- Invitations to attend functions where the Member represents the Council (opening ceremonies, public speaking events, conferences)
- An invitation to attend an event which is categorised as a Civic function or reception
- Civic hospitality provided by another Public Authority.

5.3 The following are examples of unacceptable hospitality:

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

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

## **6. Declaration of Gifts or Hospitality at Meetings**

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

## **7. Further advice**

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







## Governance and Audit Committee

Item  
**14**

13 December 2023

<b>Report of</b>	<b>Assistant Director Corporate and Improvement Services</b>	<b>Author</b>	<b>Matthew Evans</b> ☎ ext. 8006
<b>Title</b>	<b>Work Programme 2023-2024</b>		
<b>Wards affected</b>	Not applicable		

### 1. Executive Summary

- 1.1 This report sets out the current Work Programme 2023-2024 for the Governance and Audit Committee. This provides details of the reports that are scheduled for each meeting during the municipal year.
- 1.2 The Committee is asked to note two modifications to its work programme in respect of the meeting scheduled for 16 January 2024. The following reports which were due to be presented at this meeting were dealt with and the meeting of the Committee on 28 November 2023, and will now not be presented:
- CCHL Half Year Performance Report
  - Polling District and Place Review Results

### 2. Recommended Decision

- 2.1 The Committee is asked to note the amended contents of the Work Programme for 2023-2024.

### 3. Reason for Recommended Decision

- 3.1 The Work Programme of this Committee is kept under review throughout the municipal year to ensure that business is progressed and Members have the opportunity to review upcoming agenda items.

### 4. Alternative Options

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

### 5. Background Information

- 5.1 The Governance and Audit Committee deals with the approval of the Council's Statement of Accounts, audit, other miscellaneous regulatory matters and standards.

5.2 The Committee’s Work Programme will evolve as the Municipal Year progresses and items of business are commenced and concluded. At each meeting the opportunity is taken for the Work Programme to be reviewed and, if necessary, amended according to current circumstances.

**6. Standard References**

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

**7. Strategic Plan References**

7.1 Governance is integral to the delivery of the Strategic Plan’s priorities and direction for the Borough as set out under the four themes of growth, responsibility, opportunity and wellbeing.

7.2 The Council recognises that effective local government relies on establishing and maintaining the public’s confidence, and that setting high standards of self-governance provides a clear and demonstrable lead. Effective governance underpins the implementation and application of all aspects of the Council’s work.

**WORK PROGRAMME 2023-24**

<b>Governance and Audit Committee</b>
<b>Meeting date / Agenda items -</b>
Governance and Audit Committee - <b>20 June 2023</b>
<ol style="list-style-type: none"> <li>1. Year End Internal Audit Assurance Report 2022/2023</li> <li>2. <u>Review of the Governance Framework and Draft Annual Governance Statement</u></li> </ol>
Governance and Audit Committee – <b>01 August 2023</b>

1. Update from the Council's external auditors, BDO.
2. Verbal update from the Council's S151 Officer with regard to the Council's statement of accounts.
3. 2022/2023 Year End Review of Risk Management

**Governance and Audit Committee - 12 September 2023**

1. Colchester Borough Homes Annual Report and Governance Statement
2. Revenue Monitoring Report – April to June 2023/24
3. 2022/2023 Revenue Outturn

**Governance and Audit Committee - 17 October 2023**

1. Local Government and Social Care Ombudsman Annual Review 2022/2023
2. Health and Safety Policy and Annual Report
3. Amphora Future Strategy
4. Proposed Hibernation of Colchester Amphora Energy Limited
5. Draft Statement of Accounts 2021/2022

**Governance and Audit Committee – 28 November 2023**

1. Colchester Commercial Holdings Limited – Annual Report
2. Quarter 2 Budget Monitoring Report 2023/2024
3. Polling District and Place Review

**Governance and Audit Committee – 13 December 2023**

1. Review of the Council's Ethical Governance Policies
2. Annual Review of the Members' Code of Conduct and the Council's Localism Act "Arrangements"
3. Review of Local Code of Corporate Governance
4. Review of Member/Officer Protocol
5. Gifts and Hospitality – Review of Guidance for Councillors and Policy for Employees
6. Overview of the Council's Housing Stock
7. Verbal update on the Council's Statement of Accounts

**Governance and Audit Committee - 16 January 2024**

1. Interim Review of the Annual Governance Statement Action Plan
2. Risk Management Progress Report
3. Mid-Year Internal Audit Assurance Report 2023/2024
4. Annual Review of the Council's Companies' Business Plans
5. Annual Review of Business Continuity
6. Capital Expenditure Outturn 2022/2023
7. Treasury Management Outturn 2022/2023
8. Treasury Management Mid-Year Update 2023/2024

**Governance and Audit Committee – 7 February 2024**

Items to be presented at this meeting are to be determined by Officers.

**Governance and Audit Committee - 5 March 2024**

1. Internal Audit Plan 2024/2025
2. Revenue Monitoring Report – October to December
3. Capital Monitoring Report – October to December
4. Financial Monitoring Report
5. Overview of the Council's Procurement Policy
6. CBH performance monitoring 24/25