

# The Council Meeting

Council Chamber, Town Hall  
5 December 2013 at 6.00pm

# COLCHESTER BOROUGH COUNCIL

**TO ALL MEMBERS OF THE COUNCIL**

**4 December 2013**

You are hereby summoned to attend a meeting of the Council to be held at the Council Chamber, Town Hall on **5 December 2013 at 6:00pm** for the transaction of the business stated below.



**Chief Executive**

## AGENDA

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

**Apologies: Councillor Naish**

|   | <b>Pages</b> |
|---|--------------|
| <b>1. Welcome and Announcements</b>   | <b>1</b>     |
| (a) The Mayor to welcome members of the public and Councillors and to invite the Chaplain to address the meeting. The Mayor to remind all speakers of the requirement for microphones to be used at all times.  |              |
| (b) At the Mayor's discretion, to announce information on:  |              |
| <ul style="list-style-type: none"><li>• action in the event of an emergency;</li><li>• mobile phones switched to silent;</li><li>• audio recording of the meeting;</li><li>• location of toilets.</li></ul>   |              |
| <b>2. Have Your Say!</b>  |              |
| (a) The Mayor to ask members of the public to indicate if they wish to ask a question, make a statement or present a petition on any matter relating to the business of the Council – either on an item on the agenda for this meeting or on a general matter not on this agenda (Council Procedure Rule 6(2)). |              |
| (b) The Mayor to invite contributions from members of the public who  |              |

wish to address the Council on a general matter not on this agenda.

(Note: A period of up to 15 minutes is available for general statements and questions under 'Have Your Say!').

### **3. Minutes**

**2 - 12**

A... Motion that the Minutes of the meeting held on 16 October 2013 be confirmed as a correct record.

### **4. Mayor's Announcements**

Mayor's Announcements (if any) and matters arising pursuant to Council Procedure Rule 8(3).

### **5. Declarations of Interest**

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

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable

pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

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

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

## **7. Licensing and the Night Time Economy**

Proposer: Proposed jointly by Cllrs Barlow, G. Oxford, Quince and T. Young

B... Motion that:-

This Council takes on board the points made and discussions held at the recent meeting of the Crime & Disorder Committee and as a result:

- Instructs the Chief Executive of Colchester Borough Council to write to all licensed premises operating in Colchester Borough, inviting them to make a financial contribution towards the running costs of Colchester's SOS bus;
- Recognises the problem of 'pre-loading' with regards to alcohol misuse and recommends the setting up of an all-party task and finish group to investigate the issues surrounding this and to report back to Full Council by March 2014;
- Calls on the MPs representing Colchester Borough, The Hon Bernard Jenkin MP, Priti Patel MP and Sir Bob Russell MP to call for reform of our licensing laws;
- Invites the three MPs representing Colchester Borough, The Hon Bernard Jenkin MP, Priti Patel MP and Sir Bob Russell MP to spend a Saturday evening in Colchester town centre with the Group Leaders to view and discuss the issues and problems surrounding the night-time economy at first hand.

## **8. Electoral Review of the Borough of Colchester**

**13 - 33**

C.. Motion that the recommendations contained in the Monitoring Officer's report be approved subject to the wording of the answer to question 8.2 on page 33 of the agenda being deleted and replaced

with “Please refer to Political Groups’ submissions”.

## **9. Recommendations of the Cabinet, Panels and Committees**

- i. Review of Local Code of Corporate Governance **34**  

D... Motion that the recommendation contained in minute 22 of the Governance Committee meeting of 15 October 2013 be approved and adopted.
- ii. Review of the Ethical Governance Policies **35 - 36**  

E... Motion that the recommendations set out in minute 21 of the Governance Committee meeting of 15 October 2013 be approved and adopted.
- iii. Sex Establishment Licensing Policy **37**  

F... Motion that the recommendation contained in minute 9 of the Licensing Committee meeting of 7 November 2013 be approved and adopted.
- iv. Local Council Tax Support Scheme **38 - 39**  

G... Motion that the recommendation contained in minute 52 of the Cabinet meeting of 27 November 2013 be approved and adopted
- v. Capital Programme **40 - 43**  

H... Motion that the recommendation contained in minute 54 of the Cabinet meeting of 27 November 2013 be approved and adopted.

## **10. Notices of Motion pursuant to Council Procedure Rule 11**

- i. Late Night Levy

Proposer: Councillor Quince

I... Motion that:-

This Council believes that a late night levy pursuant to the Police Reform and Social Responsibility Act 2011 should be introduced at the earliest possible opportunity for bars, pubs and clubs and other relevant late-opening alcohol suppliers in the Borough of Colchester and requests the Licensing Committee to investigate its introduction.

As the Motion relates to a non-executive function, it will be debated and determined at the meeting.

#### MAIN AMENDMENT

The following main amendment to the motion has been received:-

Proposer: Councillor Barlow

Motion that the motion on the Late Night Levy be approved and adopted subject to the following amendments:-

The deletion of the words “should be introduced at the earliest possible opportunity for bars, pubs and clubs and other relevant late-opening alcohol suppliers in the” and their replacement with the words ” may provide some benefits for the residents of the”; The deletion of all wording from “Licensing Committee” onwards and their replacement with the words “newly created Task and Finish Group on preloading and the night time economy to investigate the costs and benefits of introducing this levy with a view to recommending to Council in its report in March whether or not it should be introduced.”

If the amendment were to be agreed the revised Motion would read as follows:-

This Council believes that a late night levy pursuant to the Police Reform and Social Responsibility Act 2011 may provide some benefits for the residents of the Borough of Colchester and requests the newly created Task and Finish Group on preloading and the night time economy to investigate the costs and benefits of introducing this levy with a view to recommending to Council in its report in March whether or not it should be introduced.

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

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

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

At the time of the publication of the Summons no pre-notified questions had been received.

## **12. Schedules of Decisions taken by Portfolio Holders**

**44 - 46**

To note schedules covering the period 1 October -20 November 2013.

## **13. Urgent items**

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

## **14. Reports Referred to in Recommendations**

**47 - 212**

The reports specified below are submitted for information and are referred to in the recommendations specified in item 9 on the agenda:

Review of Local Code of Corporate Governance, report to Governance Committee, 15 October 2013

Review of the Ethical Governance Policies, report to Governance Committee, 15 October 2013

Statement of Licensing Policy for Sex Establishments , report to Licensing Committee, 7 November 2013

Local Council Tax Support Scheme. report to Cabinet, 27 November 2013

2014/15 Revenue Budget, Fees and Charges, Capital Programme and Financial Reserves, Cabinet, 27 November 2013

## **15. Exclusion of the Public**

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





# Information for Members of the Public

## Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.colchester.gov.uk](http://www.colchester.gov.uk) or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

## Have Your Say!

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

## Audio Recording, Filming, Mobile phones and other devices

The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops and other such devices is permitted at all meetings of the Council, with the exception of Committee members at all meetings of the Planning Committee, Licensing Committee, Licensing Sub-Committee and Governance Committee. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Where permitted, Councillors' use of devices is limited to receiving messages and accessing papers and information via the internet. Viewing or participation in social media is at the discretion of the Chairman / Mayor presiding at the meeting 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 use one of the contact details at the bottom of this page and we will try to provide a reading service, translation or other formats you may need.

## Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the ground floor.

## Evacuation Procedures

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

Library and Community Hub, Colchester Central Library, 21 Trinity Square,  
Colchester, CO1 1JB  
telephone (01206) 282222 or textphone 18001 followed by the full number you wish  
to call  
e-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)  
[www.colchester.gov.uk](http://www.colchester.gov.uk)

# COUNCIL

## 16 OCTOBER 2013

*Present :-* Councillor Colin Sykes (the Mayor) (Chairman)  
Councillor John Elliott (Deputy Mayor)  
Councillors Christopher Arnold, Nick Barlow,  
Lyn Barton, Kevin Bentley, Mary Blandon,  
Elizabeth Blundell, Tina Bourne, Mark Cable,  
Nigel Chapman, Peter Chillingworth, Helen Chuah,  
Barrie Cook, Nick Cope, Mark Cory, Beverly Davies,  
Andrew Ellis, Margaret Fairley-Crowe, Annie Feltham,  
Stephen Ford, Bill Frame, Ray Gamble, Martin Goss,  
Scott Greenhill, Marcus Harrington, Dave Harris,  
Jo Hayes, Pauline Hazell, Peter Higgins,  
Theresa Higgins, Mike Hogg, Martin Hunt (Deputy  
Leader ) , Brian Jarvis, John Jowers,  
Margaret Kimberley, Sonia Lewis, Cyril Liddy,  
Michael Lilley, Sue Lissimore, Jackie Maclean,  
Richard Martin, Beverley Oxford, Gerard Oxford,  
Will Quince, Lesley Scott-Boutell, Peter Sheane,  
Paul Smith, Terry Sutton, Laura Sykes, Anne Turrell  
(Leader of the Council ) , Dennis Willetts, Julie Young  
and Tim Young

The meeting was opened with prayers by the Mayor's Chaplain, Pastor Eric Blowes.

### **21. Apologies**

Apologies were received from Councillors Havis, Mudie, Naish, Offen and P. Oxford.

### **22. Have Your Say!**

Lizzie Bolton and Jessica Scott-Boutell addressed the Council pursuant to the provisions of Council Procedure Rule 7(5) and presented a petition to the Mayor calling on Essex County Council to reduce the speed limit in Dale Close to 20 mph. They stressed that it was an area with many young families. Signs had been installed warning drivers that there were children playing. They asked the Leader of the Council to pass the petition on to the Highways Liaison Officer at Essex County Council so it could be used in support of the scheme when it was referred to the Local Highway Panel for consideration.

Sally Young, Secretary of Colchester Allotments Association, addressed the Council pursuant to the provisions of Council Procedure Rule 7(5). The Association had worked with the Council to promote allotments for 10 years. It had been involved in suggesting and instigating new ideas. It was therefore surprised and disappointed not to have been informed of the proposed rent increase. It had learnt of the consultation on the increases through local media, which had left the Association with little time to respond.

Whilst the financial constraints facing the Council were understood, allotments holders were also facing similar constraints. There was particular concern about the impact of rent rises on elderly plot holders, who would lose companionship and the health benefits of renting allotments. There was a danger that running an allotment would become exclusively an activity for the better off.

Melva Lingard, member of Colchester Allotments Association, addressed the Council pursuant to the provisions of Council Procedure Rule 7(5). Allotment rents were due to increase by 40% over the next five years. Demand for allotments had grown over recent years but the bubble appeared to have burst and there were now a number of uncultivated sites. The Council was compounding the problem by not letting vacant plots quickly. This imposed a double cost on the Council, who lost income and had to meet the costs of maintaining the allotment. If vacant plots were let more quickly, income would be generated. The increase in rents would only deter people from taking on allotments. She called on the Council to work together with the Association.

Councillor Feltham, Portfolio Holder for Communities and Leisure Services, thanked Sally Young and Melva Lingard for their contributions. The Council had worked closely with Colchester Allotments Association. Issues relating to allotments would be considered by the Scrutiny Panel at its meeting on 12 November and she invited both to attend the meeting.

Councillor Dave Harris addressed the Council pursuant to the provisions of Council Procedure Rule 7(5) to display the awards that Colchester had won in the Anglia in Bloom awards and hoped that these could be put on public display. He also announced that Colchester had won a Silver Gilt award in the Britain in Bloom awards, which was a fantastic achievement.

The Mayor asked Councillor Harris to pass on the Council's thanks to the Colchester in Bloom Committee.

Nick Chilvers addressed the Committee pursuant to the provisions of Council Procedure Rule 7(5) to ask whether the Council would be hosting the Tour Series event in 2014 and if so, how much the Council be contributing towards the costs. He believed that the members of Abbots Activity Centre would be particularly keen to hear whether the Council would be contributing towards the costs of the event in view of the arguments put forward to justify the closure of Abbots.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, indicated that the administration had made no decision on the Tour Series yet.

Elaine Rogers addressed the Committee pursuant to the provisions of Council Procedure Rule 7(5) to express her support for the Motion that Council should inform Cabinet that Abbots Activity centre should be used as a community centre for the benefits and enjoyment of residents of the borough. Many of the alternative venues put forward were unsuitable, depriving the disabled and those with mental health difficulties. The list of alternative venues was incorrect and out of date and CCVS had been put under pressure to provide information quickly. The difficulties the Stroke Group had had in finding new accommodation were highlighted. The impact of this would be

further disadvantage to the disabled. It was noted that Abbots was to be taken over by an organisation on a one year lease but it was not clear who this was and whether the disabled and elderly would be able to use the Centre. The Centre would be costly to refurbish. If the issue had been handled more sensitively and less secretively, many members may have supported the idea of a community centre. Concern was also expressed about the way staff had Abbots had been treated and she believed the Council was negligent in its duty of care towards its employees. She urged the Council not to turn the Centre into flats.

Margaret Banister addressed the Council pursuant to the provisions of Council Procedure Rule 7(5). She was a disabled user of Abbots Activity Centre and was pleased to note that there was now an organisation that was willing and able to invest in Abbots. She hoped that it would be turned into a community centre that could be used by the disabled, those suffering from mental health difficulties and the elderly.

Councillor Feltham, Portfolio Holder for Communities and Leisure Services, explained that that the draft lease for the building was currently under consideration and an announcement about the organisation would be made a shortly. It was acknowledged that the closure of Abbots was a cut to Council services, but that officers had done their best to provide alternatives for some users. Support to other users would continue. She did not accept the allegations that the Council had behaved in a secretive fashion or had been negligent in its treatment of staff.

## **23. Minutes**

The minutes of the meeting held on 17 July 2013 were confirmed as a correct record.

## **24. Mayor's Announcements**

The Mayor announced that the Council had recently won the following awards:-

- Hapgood Close had won the Richard Feilden Award for best social housing scheme of the year at the National 2013 Housing Design Awards;
- Colchester and Ipswich Museums Service homelessness project "Out in the Open" had been given an "outstanding achievement" accolade by the national Museum Association.
- The Council had won a gold award for the promotion and development of its Travel Plan in Essex County Council's Travel Plan Accreditation Awards.
- Colchester's Night Time Economy had won a Purple Flag Award from the Association of Town and City Management, one of only seven towns/cities to do so.
- Colchester Castle Park had received its eleventh consecutive Green Flag and Highwoods County Park had received its tenth.
- The Council's Legal Services had received Lexcel accreditation for the fourteenth consecutive year.

The Mayor also informed Council that at a recent Armed Forces Veterans event the Rt Hon Mark Francis had asked the Mayor to pass on his thanks to Council for being one of the first authorities to sign the Armed Forces Community Covenant.

The Mayor also announced the following events:-

- The second Mayor's lecture at firstsite would be held on 7 November;
- The Mayor's Quiz on 20 November;
- The Remembrance Day Service would be held on 10 November and the Mayor expressed his hope that all Councillors would attend.
- Armistice Day ceremony on 11 November;
- Parachute Regiment Band concert at St Botolph's Church on 19 December;
- The New Year's Eve dinner on 31 December.

## **25. Trading Board Terms of Reference**

*RESOLVED* that the recommendation contained in minute 29 of the Cabinet meeting of 4 September 2013 be approved and adopted.

## **26. 2012/13 Year End Review of Risk Management**

*RESOLVED* that the recommendation contained in minute 30 of the Cabinet meeting of 4 September 2013 be approved and adopted.

## **27. Scrap Metal Dealers Act 2013**

**Councillor Harris (in respect of his employment in the rail industry) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

*RESOLVED* that the recommendation contained in minute 8 of the Licensing Committee meeting of 11 September 2013 be approved and adopted.

## **28. Presentation by the Local Government Boundary Commission for England**

The Council received a presentation from Dr Peter Knight CBE and Richard Buck of the Local Government Boundary Commission about the forthcoming electoral review of Colchester. The presentation explained the scope of the review, the criteria the Commission could take into account and how the review would be conducted.

Following the presentation, there was the opportunity for members to ask questions during the course of which the following issues were raised:-

- How councillor workload was assessed and what weight was this given in the review process;
- How would the Commission decide what was a fair level of representation and whether it would take account of the considerable new development in Colchester;
- What evidence would be considered "valid and robust";
- What account would be taken of polling districts and county division boundaries;
- Whether residents associations would be consulted;
- The timeframe for implementation of the review's conclusions.

## 29. Street Lighting

It was PROPOSED by Councillor T. Young that:-

This Council:

Is opposed to the street light switch-off being imposed on the Borough of Colchester by Essex County Council from 1 November 2013 between the hours of midnight to 5am for the following reasons:

- Community safety will be compromised as there is clear evidence that well-lit areas provide a deterrent to crime and anti-social behaviour;
- Fear of crime will increase as evidence shows that darker areas make people feel less safe;
- Road safety will also be adversely affected as it will be more difficult to see pot-holes and other defects leading to the potential for more vehicle damage and accidents;
- Cyclists and pedestrians will suffer from unlit pathways, pavements, alleyways and cycle lanes also compromising their personal safety;
- Alternatives such as LED lighting, dimming, solar power and part-lighting have not been thoroughly investigated and piloted;
- the views of Essex Police have not been properly sought or considered;
- the trials undertaken in Maldon and Uttlesford districts were not representative of Colchester or, indeed, Essex as a whole;
- from surveys and responses taken it would appear that the residents of Colchester overwhelmingly do not support the proposal;
- No definitive map of streets where the lights will be switched off has been provided to this Council and Councillors therefore have not had an opportunity to consult residents in detail about this.

The Council therefore resolves to write to the Portfolio Holder for Highways and Transportation at Essex County Council enclosing a copy of this motion and requesting that he abandons the switch-off in Colchester until he has held substantive talks with representatives of this Council.

On being put to the vote the MOTION was CARRIED (TWENTY NINE voted FOR, TWENTY THREE voted AGAINST and ONE ABSTAINED FROM VOTING).

A named vote having been requested pursuant to the provisions of Council Procedure

Rule 15(2), the voting was as follows:-

Those who voted FOR were:-

Councillors Barlow, Barton, Blandon, Bourne, Chuah, Cook, Cope, Feltham, Ford, Frame, Gamble, Goss, Greenhill, Harris, Hayes, P. Higgins, T. Higgins, Hogg, Hunt, Liddy, Lilley, B. Oxford, G. Oxford, Scott-Boutell, Smith, L. Sykes, Turrell, J. Young and T. Young.

Those who voted AGAINST were:-

Councillors Arnold, Bentley, Blundell, Cable, Chapman, Chillingworth, Davies, Ellis, Fairley-Crowe, Harrington, Hazell, Jarvis, Jowers, Kimberley, Lewis, Lissimore, Maclean, Martin, Quince, Sheane, Sutton, Willetts and the Deputy Mayor (Councillor Elliott).

Those who ABSTAINED from voting were:-

The Mayor (Councillor C. Sykes)

### **30. Suspension of Procedure Rules**

Councillor Quince moved the suspension of Council Procedure Rule 11(2) to allow the motion on Abbots Activity Centre to be debated and determined by Council.

The MOTION was LOST (TWENTY voted FOR, TWENTY EIGHT voted AGAINST and ONE ABSTAINED FROM VOTING).

A named vote having been requested pursuant to the provisions of Council Procedure Rule 15(2), the voting was as follows:-

Those who voted FOR were:-

Councillors Arnold, Bentley, Blundell, Cable, Chapman, Davies, Ellis, Harrington, Hazell, Jarvis, Jowers, Kimberley, Lewis, Lissimore, Maclean, Quince, Sheane, Sutton, Willetts and the Deputy Mayor (Councillor Elliott).

Those who voted AGAINST were:-

Councillors Barlow, Barton, Blandon, Bourne, Chuah, Cook, Cope, Feltham, Ford, Gamble, Goss, Greenhill, Harris, Hayes, P. Higgins, T. Higgins, Hogg, Hunt, Liddy, Lilley, B. Oxford, G. Oxford, Scott-Boutell, Smith, L. Sykes, Turrell, J. Young and T. Young.

Those who ABSTAINED from voting were:-

The Mayor (Councillor C. Sykes).

### **31. Abbots Activity Centre**

The Motion on Abbots Activity Centre below was referred to Cabinet without discussion for consideration and determination in accordance with Council Procedure Rule 11(2):-

"Council informs Cabinet of its opinion that the premises known as Abbots Activity Centre should be used as a community centre for the benefit and enjoyment of residents throughout the Borough."

### **32. Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill**

It was PROPOSED by Councillor Bourne that:-

This Council is concerned about the unintended consequences of Parliament passing the unamended Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill. Part 2 of the Bill will unreasonably constrain legitimate activities of charities, local organisations and campaigners that this Council supports.

The Bill is not supported by the National Council of Voluntary Organisations, nor the Association of Chief Executives of Voluntary Organisations.

In highlighting the wealth and variety of voluntary sector organisations operating across Colchester, this Council also recognises that effective campaigning by local organisers must be allowed to continue throughout the year. Despite assurances from Government, small Colchester charities may fall foul of election law and thus be subjected to needless bureaucratic checks.

Therefore, this Council urges the government to amend Part 2 of the Bill, allowing our Colchester charities the freedom to campaign and raise awareness for our residents without the fear of legal action.

On being put to the vote, the MOTION was LOST (TWELVE voted IN FAVOUR, TWENTY voted AGAINST and SEVENTEEN ABSTAINED FROM VOTING).

### **33. Licensing and the Night Time Economy**

It was PROPOSED by Councillor T. Young on behalf of all Group Leaders that:-

This Council takes on board the points made and discussions held at the recent meeting of the Crime and Disorder Committee and as a result:

- Instructs the Chief Executive of Colchester Borough Council to write to all licensed



premises operating in Colchester Borough, inviting them to make a financial contribution towards the running costs of Colchester's SOS bus;

- Recognises the problem of 'pre-loading' with regards to alcohol misuse and recommends the setting up of an all-party task and finish group to investigate the issues surrounding this and to report back to Full Council by March 2014;
- Calls on the MPs representing Colchester Borough, The Hon Bernard Jenkin MP, Priti Patel MP and Sir Bob Russell MP to call for reform of our licensing laws;
- Invites the three MPs representing Colchester Borough, The Hon Bernard Jenkin MP, Priti Patel MP and Sir Bob Russell MP to spend a Saturday evening in Colchester town centre with the Group Leaders to view and discuss the issues and problems surrounding the night-time economy at first hand.

During the course of the date on the Motion, a Motion to adjourn consideration of the Motion to the next meeting of Council was approved (MAJORITY Voted FOR).

### 34. Motion to Adjourn

A Motion to adjourn proceedings was put to Council in accordance with Council Procedure Rule 19 (1). The Motion was LOST (MAJORITY voted AGAINST).

### 35. Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

| Questioner              | Subject   | Response  |
|-------------------------|---|---|
| <b>Verbal Questions</b> |   |   |
| Councillor Lilley       | In the light of the County Council withdrawing money from the Highways Panel does it mean that they have killed off funding for 20mph zones in the Borough? | Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that he would provide a written response to this and other questions he had received on the Local Highway Panel and the North Essex Parking Partnership. |
| Councillor Quince       | Was the Council planning to fund the Tour Series event and had the Council approached any other groups or partners about the event?                         | Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, indicated that that this was a decision for Cabinet to take in due course and that no other groups or partners had                                     |

|                    |   |  |
|--------------------|---|--|
|                    |   | been approached.   |
| Councillor Quince  | Did the Portfolio Holder for Housing consider that it was appropriate she had lead Portfolio Holder responsibility for social media?  | Councillor Bourne, Portfolio Holder for Housing, indicated that she considered that it was appropriate.  |
| Councillor Bentley | Would the Portfolio Holder for Business and Resources review the case of a resident who was paying council tax on an empty property?  | Councillor Smith, Portfolio Holder for Business and Resources, indicated that he would look at the case if he was provided with details. However, there was no significant saving to the Council from empty properties.              |
| Councillor Bentley | In view of the Leader's support for a motion at Essex County Council for the Committee system of Council administration would she support the introduction of a Committee system at Colchester Borough Council and would she vote in support of an identical motion in respect of Colchester Borough Council? | Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, replied that the Motion in question was being misinterpreted and that it was about increasing democratic participation.                                 |
| Councillor Sutton  | What had happened to the furnishings which had been removed from Abbot's Activity Centre and whether it was wise to remove them, given that the short term contract to be offered to the new operator of the building.  | Councillor Feltham, Portfolio Holder for Communities and Leisure Services, responded that the removal of the furnishings was an operational issue. Some of the furnishings belonged to members so they were entitled to remove them. |
| Councillor Sutton  | What action should be taken against those who drove in bus lanes and  | Councillor Turrell, Leader of the Council and Portfolio Holder for   |

|                       |   |   |
|-----------------------|---|---|
|                       | was the Council seeking changes to be made to the operation of bus lanes.   | Strategy, indicated that that the operation of bus lanes was an Essex County Council function.  |
| Councillor Lewis      | When would Abbots be closing as an Activity Centre and what arrangements had been put in place to thank staff and support members on the day of closure?                        | Councillor Feltham, Portfolio Holder for Communities and Leisure Services, indicated that Abbots would close as an Activity Centre on 25 October. A written response would be provided in respect of the other elements of the question.  |
| Councillor Harrington | What were the Portfolio Holder's views on the success of signposting to other venues and services for the Stroke Group and its users?   | Councillor Feltham, Portfolio Holder for Communities and Leisure Services, explained that some groups had more success than others. The success of groups in finding alternative accommodation was not just due to the adequacy of signposting, but was often a consequence of some Group's special requirements. |
| Councillor Hogg       | Would the Portfolio Holder agree that the service provided by Colchester Borough Homes to one his constituents, who had so far waited 56 days for a repair, was unsatisfactory? | Councillor Bourne, Portfolio Holder for Housing, indicated that it was but needed to be seen in the context of thousands of repairs they carried out each year. She would look into the matter if full details were provided.   |
| Councillor Arnold     | Could the Leader of the Council explain why officers canvassed availability for dates for a Scrutiny Panel that fell outside the requirements of the Constitution and           | Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, indicated that it was essential to take account of the availability of the relevant Portfolio  |

|                     |   |  |
|---------------------|---|--|
|                     | would she give an assurance that they would abide by the Constitution in future.                      | Holder when scheduling call-ins. The administration had followed the Constitution but there were occasions when this was difficult.  |
| Councillor J. Young | How could local Councillors influence and challenge decisions of the North Essex Parking Partnership? | Councillor Hunt, Portfolio Holder for Street and Waste Services, explained that decisions of the North Essex Parking Partnership could be called in through Essex County Council's scrutiny process. |

### **36. Schedules of Decisions taken by Portfolio Holders**

*RESOLVED* that the Schedules of Portfolio Holder decisions for the period 4 July - 1 October 2013 be noted.



# Council

5 December 2013

Item  
8

|                       |  |               |   |
|-----------------------|--|---------------|---|
| <b>Report of</b>      | <b>Monitoring Officer</b>                            | <b>Author</b> | <b>Andrew Weavers</b>   |
|                       |  |               |  <b>282213</b> |
| <b>Title</b>          | <b>Electoral Review of the Borough of Colchester</b> |               |   |
| <b>Wards affected</b> | All  |               |   |

**This report requests approval of the Council's electoral review evidence base document and of its submission to the Local Government Boundary Commission for England.**

## 1. Decisions Required

- 1.1 To approve the submission of the evidence base document attached to this report to the Local Government Boundary Commission for England.
- 1.2 To note that the Council's political groups will be making their own submission on council size to the Commission.
- 1.3 That the Monitoring Officer be delegated to make any necessary changes to the evidence base document following its submission to the Commission following consultation with the Group Leaders.

## 2. Supporting Information

- 2.1 The Local Government Boundary Commission for England (LGBCE) advised in March 2013 that a review of the Council's electoral arrangements would take place because the Council felt a review was warranted and the LGBCE had identified electoral imbalances.
- 2.2 The LGBCE's technical guidance on electoral reviews states that broadly speaking a view will be taken on council size for an Authority by considering three areas:
  - The governance arrangements of the council and how it takes decisions across the broad range of responsibilities;
  - The council's scrutiny functions relating to its own decision making and the council's responsibilities to outside bodies; and
  - The representational role of councillors in the local community and how they engage with local people, conduct casework and represent the council on local partner organisations.
- 2.3 The LGBCE will also aim to ensure its recommendations remain relevant for the long term and recommend a number that delivers effective and convenient local government well after the completion of the review.
- 2.4 These factors are addressed in the evidence base document attached. This document has been informed by:
  - Briefings given by the LGBCE to full Council, group leaders and officers;
  - Meetings with group leaders; and

- Feedback from a councillor survey.

2.5 The first stage of the review process is for the LGBCE to review and determine council size (i.e. the number of councillors elected to council – currently 60). Discussions have been on-going between the political groups but no consensus has been reached. Consequently Council is not being requested to agree a council size submission on behalf of the Authority; instead each of the political groups will make their own submission to the LGBCE on council size.

2.6 Submissions on council size are required to be evidence based and the attached document provides evidence in response to the issues relating to governance which the LGBCE need to consider as part of the review.

### **3. Proposals**

3.1 That the attached evidence base document be agreed and submitted to the LGBCE.

3.2 If following the documents' submission to the LGBCE any amendments are required, the Monitoring Officer be delegated to make any necessary amendments following consultation with the Group Leaders.

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

4.1 The electoral review forms part of the council's governance arrangements which in turn forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

### **5. Publicity Considerations**

5.1 Details of the review process will be published both on the LGBCE and the Council's websites.

### **6. Consultation Considerations**

6.1 The LGBCE will, as part of the review process, undertake a formal consultation with the public and stakeholders.

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

7.1 No direct implications.

## ELECTORAL REVIEW OF THE BOROUGH OF COLCHESTER

### Evidence base submission by Colchester Borough Council

- 1.1 The Local Government Boundary Commission for England (LGBCE) advised in March 2013 that a review of the Council's electoral arrangements would take place because the Council felt a review was warranted and the LGBCE had identified electoral imbalances.
- 1.2 The LGBCE's technical guidance on electoral reviews states that broadly speaking a view will be taken on council size for an authority by considering three areas:
  - The governance arrangements of the council and how it takes decisions across the broad range of responsibilities;
  - The Council's scrutiny functions relating to its own decision making and the Council's responsibilities to outside bodies; and
  - The representational role of councillors in the local community and how they engage with local people conduct casework and represent the council on local partner organisations.
- 1.3 The LGBCE will also aim to ensure its recommendations remain relevant for the long term and recommend a number that delivers effective and convenient local government well after the completion of the review.
- 1.4 These factors are addressed in the evidence base attached at Appendix 1 which has been informed by:
  - Briefings given by the LGBCE to the full Council, group leaders and officers;
  - Meetings with group leaders;
  - Feedback from a survey of councillors; and
  - Debate and approval at full Council of the evidence base.
- 1.5 The Council will not be making a formal submission on council size as there is no consensus between the political groups on the number of Councillors. Accordingly each political group will be submitting their own proposals to the LGBCE on council size.



**COLCHESTER BOROUGH COUNCIL  
LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND  
COUNCIL SIZE SUBMISSION EVIDENCE**

**Part One: Governance and Decision Making**

| <b>1. Leadership</b>   |  |
|--|--|
| <p>1.1 What kind of governance arrangements are in place for your authority? Does the council operate an executive mayoral, Cabinet/Executive or committee system?</p> | <p>The council operates a strong Leader/Cabinet model.</p>   |
| <p>1.2 How many portfolios are there?</p>  | <p>There are 8 portfolios:</p> <ul style="list-style-type: none"> <li>Strategy</li> <li>Business and Resources</li> <li>Communities and Leisure Services</li> <li>Customers</li> <li>Housing</li> <li>Planning, Community Safety and Culture</li> <li>Regeneration</li> <li>Street and Waste Services (and Deputy Leader of the Council)</li> </ul> <p>The Cabinet consists of 8 members: the Leader, plus 7 portfolio holders (one of which is also the Deputy Leader of the Council).</p> <p>For further details of the allocation of portfolios across the Cabinet members please see <a href="#">Cabinet details</a></p> <p>For further descriptions of the responsibilities within each portfolio, please see the <a href="#">Scheme of Delegation to Cabinet</a></p> |



1.3 To what extent are decisions delegated to portfolio holders or are most decisions taken by the full Executive and/or Mayor?

The Council's Scheme of Delegation to Cabinet Members sets out the extent to which decisions are delegated to portfolio holders which reads as follows:

"The Leader of the Council in conjunction with the Cabinet leads the implementation of policy within the Council's Budget and Policy Framework. In doing this the Leader of the Council in conjunction with the Cabinet carries out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

By this Scheme of Delegation the Leader of the Council has delegated to individual members of the Cabinet most of the Leader's executive powers within the confines of the Council's Budget and Policy Framework.

The Leader of the Council has also approved a Scheme of Delegation to Officers which is contained in Part 3 of the Constitution.

The following conditions apply to this Scheme of Delegation to Cabinet Members and shall be complied with at all times:-

1. Every delegated power shall be exercised in the name of the Council;
2. The exercise of delegated powers shall be subject to the decision not being contrary to Cabinet (Executive) functions and the Council's Budget and Policy Framework as embodied in a formal resolution and recorded in the minutes of the Council.
3. All decisions taken under this scheme are subject to the Call-In Procedure with the exception of those taken under the urgency provision.
4. A Cabinet Member exercising delegated powers shall do so in a manner consistent with the policy of the Council current at the time.

The Proper Officer shall be the final arbiter of the interpretation of policy in relation to any matter.

5. In exercising delegated powers, a Cabinet Member may incur expenditure only if appropriate provision has been made in the approved annual estimates and/or capital programme except as otherwise provided for in Financial Regulations.
6. A Cabinet Member exercising delegated powers shall record the decision and the reasons for it on the Decision Notice and shall deliver it to the Proper Officer who shall publish the Decision Notice in accordance with the Constitution.
7. Any Cabinet Member who is consulted by another Cabinet Member prior to taking a decision and who has a conflict of interest in that decision shall ensure that the interest is recorded together with any note of dispensation granted by the Head of Paid Service.
8. No Cabinet Member shall exercise any delegated power that comprises a Key Decision unless that decision is contained within the Council's Forward Plan and complies with the Forward Plan process.
9. No action may be taken which is contrary to the Council's Constitution.
10. Where powers to acquire or dispose of property or land are being exercised, the delegation is subject to such acquisition or disposal being in accordance with terms approved by the District Valuer or other professional adviser.
11. Delegated powers to acquire property shall not include power to acquire property compulsorily and any proposal to make a Compulsory Purchase Order shall be submitted to the full Council as a recommendation.
12. Nothing in this scheme of delegation shall be construed in such a way as to remove the requirement that any proposal involving the granting of planning permission shall be submitted to the Planning Committee."

|  |  |
|--|--|
| <p>1.4 Do Executive (or other) members serve on other decision making partnerships, sub-regional, regional or national bodies?</p> | <p>The Cabinet approved the annual appointment of representatives to serve on external bodies at its meeting on 29 May 2013. The list of appointments can be seen here: <a href="#">Appointments to External Organisations and Council Groups</a></p>  |
| <p>1.5 In general, are leadership and/or portfolio roles considered to be full time roles?</p>                                     | <p>There is no formal requirement or guidance to suggest that the leadership and/or portfolio roles are considered to be full-time. However, it is accepted that the Leader of the Council and, to a lesser extent, those with cabinet responsibilities do devote a significant proportion their time fulfilling these duties, and certainly a larger proportion than other elected members.</p> <p>This situation had been specifically acknowledged in the 2007 <a href="#">Members Allowances Report</a> from the Independent Remuneration Panel.</p> <p>In relation to the Leader and the Cabinet, the report stated:<br/> “However the Panel was informed that the Leader has assumed an increasingly important role since the previous review. The Panel recognised that the Leader’s role has a higher profile and a larger regional dimension than before. Moreover, the Council’s increasing involvement in partnership working has increased the demands on the Leader (and Deputy Leader, and to a lesser extent other Cabinet members) to provide a strategic direction to the Council and represent the Borough’s interests in the wider local and regional context. The interviewees tended to support the notion that the executive roles in general have become more onerous over the past few years and that their remuneration no longer adequately reflects the time and responsibility associated with these posts.”</p> |

| <b>2. Regulatory</b>   |   |
|--|---|
| <p>2.1 In relation to licensing, planning and other regulatory responsibilities, to what extent are decisions delegated to officers?</p> | <p>Part 3 of the Constitution, Responsibility for Functions, explains that, under Executive arrangements, all functions are the responsibility of the Cabinet unless the law provides otherwise.</p> <p>This part of the Constitution details which part of the Council can exercise various functions <a href="#">here</a>.</p> <p>In addition, it provides delegations to Regulatory Committees <a href="#">here</a> and the day to day operational decisions delegated to officers <a href="#">here</a>.</p> <p>For licensing, certain matters under legislation are reserved for Members' decision, e.g. licensing hearings.</p> <p>There is one Planning Committee which, other than through the summer months, generally meets every fortnight.</p> |
| <p>2.2 How many members are involved in committees?</p>  | <p>There are currently 58 seats across the various Panels and Committees which provides for all councillors, other than nominally, the Mayor and Deputy Mayor, to participate in at least one committee.</p> <p>The allocation of seats, in accordance with the rules of political balance, is as follows:-</p>   |

|     | Seats  |           | Liberal Democrats<br>(26 councillors) | Conservative<br>(23 councillors) | Labour<br>(8 councillors) | Highwoods<br>Independents<br>(3 councillors) | Total<br>(60 members) |  |
|-----|--|-----------|---------------------------------------|----------------------------------|---------------------------|--|-----------------------|--|
|     | Body   |           |                                       |                                  |                           |  |                       |  |
|     | Governance Committee   | 7         | 3                                     | 3                                | 1                         | 0  | 7                     |  |
|     | Licensing Committee  | 10        | 4                                     | 4                                | 1                         | 1  | 10                    |  |
|     | Local Plan Committee   | 7         | 3                                     | 3                                | 1                         | 0  | 7                     |  |
|     | Planning Committee   | 10        | 4                                     | 3                                | 2                         | 1  | 10                    |  |
|     | Policy Review and Development Panel                                | 8         | 4                                     | 3                                | 1                         | 0  | 8                     |  |
|     | Scrutiny Panel   | 9         | 4                                     | 3                                | 1                         | 1  | 9                     |  |
|     | Trading Board  | 7         | 3                                     | 3                                | 1                         | 0  | 7                     |  |
|     | <b>Totals</b>  | <b>58</b> | <b>25</b>                             | <b>22</b>                        | <b>8</b>                  | <b>3</b>                                     | <b>58</b>             |  |
| 2.3 | Is committee membership standing or rotating?                      |           |                                       |                                  |                           |  |                       | There is no formal requirement that committee membership is either standing or rotating. However the membership of each committee is confirmed annually at the Council's Annual General Meeting. |
| 2.4 | Are meetings ad hoc, frequent and/or area based?                   |           |                                       |                                  |                           |  |                       | Meetings are scheduled in advance and the Calendar of Meetings is approved by Cabinet each Autumn (see 2013-14 Calendar <a href="#">here</a> )   |
| 2.5 | What level of attendance is achieved? Are meetings always quorate? |           |                                       |                                  |                           |  |                       | Additional meetings are scheduled when required.<br>Attendance is generally good. The Council operates a system whereby Councillors can nominate a member of their Political Group               |

|   |   |
|---|---|
|   | to attend a meeting if they are unable to attend themselves. Meetings are always quorate.   |
| <p>2.6 Does the council believe that changes to legislation, national or local policy will have influence on the workload of committees and their members which would have an impact on council size?</p> | <p>There are instances where changes to legislation, national or local policy have impacted on the workload of committees and their members, for example the transfer of Licensing responsibilities from the Magistrates' Courts to Local Authorities, which resulted in the establishment of a Licensing Committee and Sub-Committee.</p> <p>The Council has also taken a proactive approach to investigating certain topics or policy/service changes such as the creation of new of Nuclear Power Stations locally, the Night Time Economy, 20 mph Speed Limits and Waste and Recycling Initiatives.</p> <p>These investigations have been carried out by a number of Task and Finish Groups, some of which have supported the programme of the Scrutiny Panel, and others that support the policy arm of the Cabinet. The membership of these Task and Finish Groups tends to be on a politically balanced basis.</p> |
| <p><b>3. Demands on Time</b></p>  |   |
| <p>3.1 Is there a formal role description for councillors in your</p>   | <p>The Council was awarded Charter Status for Elected Member</p>  |

|  |   |
|--|---|
| <p>authority?</p>  | <p>Development in April 2011.</p> <p>A Councillor Development Policy <a href="#">here</a> was approved by the Cabinet and Council in January 2010 which included Roles and Responsibilities for:</p> <ul style="list-style-type: none"> <li>• Ward Councillors</li> <li>• Cabinet Members</li> <li>• Leader of the Council</li> <li>• Deputy Leader of the Council</li> <li>• Leader of an Opposition Group</li> <li>• Shadow Cabinet Member</li> <li>• Chairman of Overview and Scrutiny Committee</li> <li>• Chairman of Finance and Audit Scrutiny Panel</li> <li>• Chairman of Policy Review and Development Panel</li> <li>• Chairman of Planning Committee</li> <li>• Chairman of Licensing Committee</li> </ul>  |
| <p>3.2 Do councillors receive formal training for all or any roles at the council?</p> | <p>The Councillor Development Policy <a href="#">here</a> explains:</p> <p>“The Council’s commitment to provide appropriate learning and development opportunities for all councillors to enable them to acquire the knowledge and skills they require to be effective across all their roles and to provide a structured and planned approach to learning and development activities.</p> <p>The Council’s approach to learning and development will be Councillor led with representatives from all political groups invited to participate in the planning, delivery and evaluation of Councillor development activities.</p> <p>Councillors are encouraged to identify their own development needs and participate fully in learning and development events.”</p> <p>The Council annually allocates a budget for Councillor learning and Development of £12,000. The Member Development Group</p> |

|  |  |
|--|--|
|  | <p>regularly reviews the level and allocation of the budget.</p> <p>All members of the Cabinet and Group Leaders are encouraged to attend the IDEA's Leadership Academy. The Council funds one place at Leadership Academy each year from the core councillor training budget.</p> <p>Newly elected councillors are all invited to participate in an induction programme which includes an introduction to the Council, tour of venues, meetings with the Senior Management Team and an introduction to the Customer Service Centre.</p> <p>There is mandatory training for Members of Planning and Licensing Committees. In addition one core training session each month is scheduled to which all councillors are invited to attend.</p> <p>The Council's commitment to Councillor training was recognised in 2011 when the council received Charter Status for Elected Member Development.</p> <p>Some of the key points of the feedback received from the assessors included:</p> <ul style="list-style-type: none"> <li>• A strong political and managerial commitment to member development;</li> <li>• Member development was being embedded within the organisation;</li> <li>• Enthusiastic member development group;</li> <li>• Strong budget</li> <li>• Member development was having an impact across the organisation and delivering benefits.</li> <li>• Strong commitment to Leadership Development</li> </ul> |
| <p>3.3 Do councillors generally find that the time they spend on council business is what they expected?</p> | <p>Following the responses of a recent Member Questionnaire (August/September 2013) in preparation for the LGBCE Council Size Submission, Members generally believe the hours they put in are what they expected.</p>  |



|     |   |
|-----|---|
|     | <p>The breakdown of time and expectation spent on different areas of council business (per week) are given below, and are based on the total of 42 out of 60 responses received:</p> <p><b>Reading</b><br/>70.7% of councillors felt that the time spent on reading was what they expected.<br/>Most respondents (18) spent up to 6-10 hours on reading per week, closely followed by 15 respondents who spent up to 5 hours reading as part of their council business.</p> <p><b>Research</b><br/>68.3% of councillors felt that the time spent on research was what they expected.<br/>Most respondents (24) spent up to 5 hours on research per week as part of their council business, followed by 12 respondents who spent between 6 and 10 hours per week.</p> <p><b>Attending Council Meetings</b><br/>74.4% of councillors felt that the time spent on attending council meetings was what they expected.<br/>Most respondents (20) spent up to 5 hours on attending council business per week, closely followed by 15 respondents who spent 6-10 hours.</p> <p><b>Dealing with Case Work</b><br/>74.4% of councillors felt that the time spent on dealing with case work was what they expected.<br/>Most respondents (18) spent between 6 and 10 hours dealing with casework each week, closely followed by 14 respondents who spent up to 5 hours dealing with case work per week.</p> <p>See 3.3 above.</p> |
| 3.4 | How much time do members generally spend on the business of your council?   |
| 3.5 | Does the council appoint members to outside bodies?<br>If so, how many councillors are involved in this activity  |
|     | The Cabinet approved the annual appointment of representatives to serve on external bodies at its meeting on 29 May 2013. The list of   |

|   |  |
|---|--|
| <p>and what is their expected workload?</p>   | <p>appointments can be seen here:<br/> <a href="#">Appointments to External Organisations and Council Groups</a></p> <p>27 Councillors are formally appointed as representatives on outside bodies.</p> <p>Of the 19 Members who stated they are members of outside bodies in the LGBC Member Questionnaire, 94.7% reported that this took up to 5 hours of their time. Only one respondent reported that it took more than 15 hours of their time.</p> <p>73.7% of respondents serving on outside bodies said the hours required for this were what they expected.</p>                                    |
| <p>3.6 Does the council attract and retain members?</p>   | <p>Generally, yes. There have been some occasions where members have resigned due to changes in their commitments or when they have moved away from the Borough, however many choose to stand for re-election. In addition, the council has not had any non-contested elections.</p> <p>Current councillor service records show that:</p> <ul style="list-style-type: none"> <li>• 8 councillors have each served for longer than 20 years;</li> <li>• 23 councillors have each served for between 10 and 20 years;</li> <li>• A further 18 councillors have served for between 5 and 10 years.</li> </ul> |
| <p>3.7 Have there been any instances where the council has been unable to discharge their duties due to a lack of councillors?</p>  | <p>No.</p>   |
| <p>3.8 Do councillors have an individual or ward budget for allocation in their area? If so, how is such a system administered?</p> | <p>For 2013 - 2014 Colchester councillors have again been given a locality budget of £120,000, divided equally between all 60 councillors.</p> <p>The intention is that ward councillors can use the £2,000 allocated</p>  |

|  |  |
|--|--|
|  | <p>to them to initiate new projects or to provide additional funding to match already committed resources. The budgets can be used for projects within a councillor's ward or for projects outside of the ward where people from within a councillor's ward can participate. There is also the option for a number of councillors to pool their individual allocation, up to a maximum of £12,000 to deliver larger scale projects.</p> <p>For more information about how the Locality Budgets can be spent please see the guide to Colchester Councillor Locality Budgets <a href="#">here</a>.</p> |
|--|--|

**Part Two: Scrutiny Functions**

|   |  |
|---|--|
| <p>4.1 How do scrutiny arrangements operate in the authority?<br/>How many committees are there and what is their membership?</p>   | <p>Scrutiny arrangements are undertaken through the Scrutiny Panel which comprises 10 members and is politically balanced. The Panel meets on a monthly basis.</p> <p>As well as the Scrutiny Panel the Council has established a number of Task and Finish Groups to look at specific issues. The Task and Finish Groups generally comprise 6 members on a politically balanced basis.</p>  |
| <p>4.2 What is the general workload of scrutiny committees?<br/>Has the council ever found that it has had too many active projects for the scrutiny process to function effectively?</p> | <p>The workload of the Scrutiny Panel is scheduled by means of a work programme which is reviewed at each meeting.</p> <p>There is no evidence of too many active projects as a result of the forward planning of business for meetings and the flexibility to call additional meetings if circumstances mean that further time needs to be allocated to particular items of business. It is also accepted that the capacity of Members to scrutinise issues does need to be balanced by officers' time and resources to support the process and this can be a constraint.</p> |

|   |  |
|---|--|
| 4.3 How is the work of the scrutiny committee programmed?<br>Is the work strictly timetabled?     | The Scrutiny Panel uses its work programme to schedule an annual timetable of key issues which are required to be considered as well as other issues identified and agreed by the Panel itself.  |
| 4.4 What activities are scrutiny committee members expected to carry out between formal meetings? | <p>The Chairman and Group Spokespersons of the Scrutiny Panel are invited to attend pre meeting briefings during the week before each Panel meeting.</p> <p>These briefings are intended to provide a detailed background to the issues to be considered by the Panel to assist with the smooth running of the meetings and to identify and address any gaps or questions.</p> |

### Part Three: Representational Role of Councillors

|   |   |
|---|---|
| 5.1 In general terms, how do councillors carry out their representational roles with electors? Do members mainly respond to casework from constituents or do they have a more active role in the community? | <p>Following the responses of a recent Member Questionnaire in preparation for the LGBCE Council Size Submission, 73.2% of respondents said that they dealt with their case work through a mix of looking to officers for support in the first instance, and taking an independent approach and asking for help if needed.</p> <p>In terms of dealing with casework, 18 councillors spend between 6 and 10 hours per week whilst 14 spend up to 5 hours per week.</p> |
| 5.2 How do councillors generally deal with casework? Do they pass on issues directly to staff or do they take a more in depth approach to resolving issues?   | <p>Following the responses of a recent Member Questionnaire in preparation for the LGBCE Council Size Submission, 73.2% of respondents said that they dealt with their case work through a mix of looking to officers for support in the first instance, and taking an independent approach and asking for help if needed.</p>  |
| 5.3 What support do councillors receive in discharging their duties in relation to casework and representational role in their ward?  | <p>Councillors have in the past been provided with computer equipment, IT consumables and broadband facilities and some continue to utilise these solutions. However, the more recent pattern, as advances in technology progress, is for councillors to acquire their own IT solutions.</p>  |

|  |  |
|--|--|
|  | <p>No specific support is provided to councillors in undertaking their casework.</p> <p>The Council provides a dedicated PA for the Leader of the Council as well as support to other Cabinet members as required in relation to their council business.</p>   |
| <p>5.4 How do councillors engage with constituents? Do they hold surgeries, distribute newsletters, hold public meetings, write blogs etc?</p> | <p>Members use a range of communications to engage with constituents. The use of IT (particularly email) has changed the nature and speed of this engagement.</p> <p>Following the responses of a recent Member Questionnaire in preparation for the LGBCE Council Size Submission, 37.5% (14) of respondents reported never holding surgeries to engage with constituents, followed by 11 who do so less frequently, and 10 who do so monthly. Only 4 councillors hold surgeries on a weekly basis. However, when asked whether they were open to regular contact through other means (excluding surgeries), all members who responded agreed.</p> <p>The questionnaire also found that the popular methods used to engage constituents were community events (36), personal canvassing (35), leaflets (34), newsletters (33) community groups (31), social media 923) and Town/Parish/Council meetings (15).</p> <p>In terms of other methods used to engage with constituents, these included:</p> <p>Emails, private meetings, telephone, website, walking the ward, LinkedIn, Twitter, monthly report to Town/Parish Councils, Neighbourhood Action Panel meetings, residents association meetings, home visits and face to face meetings.</p> <p>In terms of social media, 33% used Twitter, 41.2% used Facebook, 5.9% used blogs and 17.6% used other means</p> |

|  |  |
|--|--|
|  | <p>including LinkedIn and personal websites.</p> <p>In terms of seeking constituent views: 37.5% (15) of members stated that they sometimes sought views before voting at Council meetings. 27.5% stated that they do so often, with 15% who each specified that they always do or rarely do. 5% specified never.</p> <p>When seeking constituent views the methods most popularly used were: personal canvassing (32), newsletters (26), leaflets (24), community events (23), community groups (21), social media (18), Town/Parish/Council meetings (15).</p> |
| <p>5.5 How has the role of councillors changed since the council last considered how many elected members it should have?</p>  | <p>Major administrative changes occurred when the Council introduced a Cabinet leadership model (in February 2000) and through changes in the Constitution.</p> <p>In the change from the committee structure to the cabinet and leader model, the way members can participate in the council business has been expanded through a number of methods such as written questions, question time at council meetings, inputting topics for discussion at council debates, and task and finish group membership.</p>   |
| <p>5.6 Has the council put in place any mechanisms for councillors to interact with young people, those not on the electoral register or minority groups or their representative bodies?</p>                         | <p>There are no defined mechanisms for councillors to interact with young people but interaction takes place on an ad hoc basis, for example: visits to local schools, participation in Local Democracy Week events in particular the 'I'm a Councillor Get Me Out of Here!' initiative, the appointment of a Youth Champion, and via links with Essex County Council's Youth Council.</p>   |
| <p>5.7 Are councillors expected to attend meetings of community bodies such as parish councils or residents associations? If so, what is the level of their involvement and what role are they expected to play?</p> | <p>There are 31 Town/ Parish Councils (including 2 Parish Meetings) within the Borough. Attendance at parish and town council meetings by Borough Councillors is encouraged. Many councillors are 'dual-hatted' as both Borough and Parish councillors. The role that members are expected to play within</p>  |

|  |  |
|--|--|
|  | <p>each parish council or community group is down to individual circumstances. Some Councillors are also 'tri-hatted' as Essex County Council Members too.</p> |
|--|--|

## Part Four: The Future

| <b>6. Localism and Policy Development</b>  |   |
|--|---|
| <p>6.1 What impact do you think the localism agenda might have on the scope and conduct of council business and how do you think this might affect the role of councillors?</p>                          | <p>Various measures contained within the Localism Act 2011 have been agreed by Cabinet, in particular in relation to the Community Right to Challenge, Assets of Community Value - the Community Right to Bid, the Community Infrastructure Levy, a Tenancy Strategy and the Welfare Reform changes. Furthermore, the establishment of a Local Highways Panel, which includes Borough and Town /Parish Council membership (as well as Essex County Councillors), supports the Localism agenda.</p> <p>A Colchester Joint Locality Board has also been established. Membership comprises Colchester Borough Council's Cabinet Members and Essex County Council Members for the Colchester Divisions. It focuses on key strategic issues affecting the Borough where joint work is essential, e.g. economic development, public health and education.</p> |
| <p>6.2 Does the council have any plans to devolve responsibilities and/or assets to community organisations? Or does the council expect to take on more responsibilities in the medium to long term?</p> | <p>The Council has worked closely with voluntary and community organisations over many years and has extensive experience of working with the community to identify service that can be provided or supported by such organisations. Councillors often play a key role in such arrangements, with suitable officer support to ensure that councillors have sufficient resources to function effectively. The Council has as established practice of devolving buildings to communities under planning gain.</p>   |
| <b>7. Service Delivery</b>   |   |
| <p>7.1 Have changes to the arrangements for local delivery of</p>  | <p>The establishment of Colchester Borough Homes (CBH) as an</p>  |

|  |  |
|--|--|
| <p>services led to significant changes to councillors' workloads? (For example, control of housing stock or sharing services with neighbouring authorities).</p> | <p>Arms Length Management Organisation may have had an impact on councillors' workloads. However, residents continue to contact their ward councillors when they experience delays or issues with CBH with the expectation that it is a council-run service. This issue is more significant for councillors whose wards include large areas of social housing.</p> <p>In addition, six members formally sit on the CBH Board of Directors and as a result have an important role in providing strategic direction for the company, determining policy, approving expenditure and monitoring performance.</p> <p>Similarly in terms of the formation of the North Essex Parking Partnership (NEPP) which provides a single parking service across the districts of Braintree, Colchester, Epping Forest, Harlow, Tendring, and Uttlesford. Parking issues are still raised with local councillors with an expectation that they will be able to assist with problems and concerns. The Joint Committee has one Councillor representative from each District Council who collaborate to oversee and direct the work of the NEPP.</p> <p>It would be fair to say that changes to arrangements for the local delivery of services presents a different type of workload overall, rather than directly imposing a specific reduction or increase.</p> |
| <p>7.2 Are there any developments in policy ongoing that might significantly affect the role of elected members in the future?</p>                               | <p>Yes – some examples are listed as follows:</p> <ul style="list-style-type: none"> <li>• Localism Act 2011 – enhancing role of members as community councillors.</li> <li>• Welfare reforms (e.g. Council Tax)</li> <li>• Public Health</li> <li>• Joint Locality Boards – County Council and Borough Council</li> <li>• Whole Essex Community Budget</li> <li>• UCCFSR new operating model</li> </ul>   |



|   |  |
|---|--|
|   | <p>The Council takes a mixed economy approach to the delivery of services, with some contracted from external providers, e.g. IT, and others provided in-house, e.g. waste and recycling. As noted in 7.1, this can change the nature of a Councillor's engagement but does not necessarily change workload amounts.</p>   |
| <p><b>8. Finance</b></p>  |  |
| <p>8.1 What has been the impact of recent financial constraints on the council's activities? Would a reduction in the scope and/or scale of council business warrant a reduction in the number of councillors?</p>  | <p>Along with other Boroughs and Districts, the Council has seen a 35% reduction in its Government support between 2010/11 and 2013/14. Additional burdens placed on it in 2013/14 due to changes in Council Tax support and further reductions of some 14% in 2014/15 and 15% for 2015/16 onwards, means that, effectively by April 2016, the Council will have suffered over a 50% reduction in government funding.</p> <p>Through increased commercial activities, such as the operation of companies and through streamlining of business processes and customer engagement through fundamental service reviews, the council has avoided in most circumstances reducing services to the public. It is considered appropriate to reduce the number of councillors as the ways of delivering business and ways of engaging with the public becomes increasingly streamlined.</p> |
| <p>8.2 If you are proposing a reduction in the number of councillors for your authority, to what extent is this a reflection of reduced activity of the council overall, an anticipation of efficiency plans or a statement to local people? Or none of these things?</p> | <p>The proposed reduction is a reflection of the council working smarter and more efficiently following the review of its governance arrangements.</p>   |

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE  
GOVERNANCE COMMITTEE  
HELD ON 15 OCTOBER 2013**

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

The Committee considered a report by the Monitoring Officer giving details of the updated Local Code of Corporate Governance for 2013/14.

The Local Code of Corporate Governance had been developed to ensure that the Council complied with the principles set out in the CIPFA/SOLACE guidance. The Code was reviewed annually, to ensure that the Council was still satisfying the principles, and formed part of the Council's Policy Framework.

The guidance 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 were:

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

The Local Code, and the Council's compliance with the principles, had been reviewed, and the following changes had been made:

- The Localism Act 2011 required various policies and procedures to be updated. These have been included in the review to ensure that the Council is complying with aspects of the Act that have already come into force.
- The Code has been updated to reflect the Council's new political governance arrangements.

*RECOMMENDED* to Council that Local Code of Corporate Governance for 2013/14 be approved for inclusion in the Council's Policy Framework.

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE  
GOVERNANCE COMMITTEE  
HELD ON 15 OCTOBER 2013**

**21. Review of the Ethical Governance Policies**

The Committee considered a report from the Monitoring Officer providing details of the revised policies relating to:

- Anti-Fraud and corruption
- Whistleblowing
- Benefits Sanctions
- Anti-Money Laundering
- Corporate Information Security
- Covert Surveillance

The Council was committed to maintaining the highest standards of governance and to ensuring that all activities are conducted ethically, honestly, openly and accountably so as to protect public safety and public money. A varied range of policies and procedures formed the Corporate Governance framework. In addition, 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.

In February 2012 full Council adopted a statement of intent in relation to both Ethical and Corporate Governance which gave a high organisational commitment to zero tolerance of fraud, corruption and bribery. The Ethical Governance policies were also adopted as part of the Council's policy framework.

The policies had been reviewed to ensure that they remained fit for purpose and no changes were proposed apart from to the Benefits Sanctions Policy which had been updated in relation to Sanctions, Loss of Benefit, Administrative Penalties and Additional Penalties.

The Monitoring Officer further pointed out that, following a recent Government announcement, the references to the National Criminal Intelligence Service and the Serious Organised Crime Agency in the Anti Money Laundering Policy would need to be changed to the National Crime Agency.

Discussion from the Panel members was in relation to:

- The potential for Councillors to be required to agree to Criminal Records Bureau checks. This was not a statutory requirement and did not impact on a person's ability to seek Election;
- The Council's current good success rate in the recovery of fraudulent Benefit payments;
- Whether the Council's Benefits Sanctions Policy included the seeking of restitution;
- The ability of the Council to make a claim on its insurance policy in cases

where no resources were available from individuals and the relationship between the police and the Council in such instances.

*RECOMMENDED* to Council that the following Policies be approved for inclusion in the Council's Policy Framework:

- Anti-Fraud and corruption
- Whistleblowing
- Benefits Sanctions
- Anti-Money Laundering
- Corporate Information Security
- Covert Surveillance

**Extract from the minutes of the Licensing Committee meeting on 7 November 2013**

**9. Sex Establishment Policy // Revisions**

The Head of Professional Services presented a report setting out the final draft of the Council's Statement of Licensing Policy for Sex Establishments. A public consultation had been carried out, ending on 1 November 2013 and no comments had been received with the exception of one from a Councillor endorsing the changes. Counsel's opinion had been sought and his comments were included in the draft presented to the Committee.

*RESOLVED to recommend to Council* that it approves the final draft of the Statement of Licensing Policy for Sex Establishments for use by the Council.

**Extract from the minutes of the Cabinet meeting of 27 November 2013**

**52. Local Council Tax Support Scheme**

The Head of Customer Services submitted a report a copy of which had been circulated to each Member together with minute 34 of the Scrutiny panel meeting of 12 November 2013.

Councillor Smith, Portfolio Holder for Business and Resources, explained that the Council was proposing the continuation of the existing Local Council Tax Support Scheme, despite a cut in government funding. The popular Back to Work Bonus would continue. He also noted that there had not been a significant impact on Council Tax collection rates.

*RESOLVED* that the continuation of the existing Local Council Tax Support scheme be agreed, without fundamental amendment, into the second year 2014/15.

*RECOMMENDED to COUNCIL* that the Local Council Tax Support Scheme for 2014/15 be approved and adopted.

*REASONS*

Colchester Borough Council implemented a Local Council Tax Support scheme (effective from 1<sup>st</sup> April 2013) which was agreed by Full Council on the 6<sup>th</sup> December 2012.

Legislation requires that amendments to the scheme for 2014/15 need to be agreed by Full Council before 31<sup>st</sup> January 2014.

Agreement and recommendation is needed to limit the changes to the Local Council Tax Support scheme for 2014/15 to bring the scheme in line with national legislative amendments and to agree and recommend the scheme remain otherwise unaltered.

*ALTERNATIVE OPTIONS*

To alter the scheme for 2014/15 by increasing the minimum Council Tax contribution from 20% to 35% for working age claimants.

The alternative option of increasing the minimum contribution would not be recommended, taking account of the following considerations:

- There is no requirement to reduce further the level of Local Council Tax Support spend.
- Public consultation asked for specific comments on increasing the minimum Council Tax contribution from 20% to 35% for working age claimants. Responders to this question indicated they would be

'dissatisfied' (17%) or 'very dissatisfied' (67%) if such a change was introduced. Further information is detailed in section 7.

- By maintaining the current scheme this allows for a period of stability for customers, many of whom are affected by other Welfare Reforms.
- Maintaining the current scheme also allows us to consider effectively the impact Local Council Tax Support has on the Collection Fund. Based on data April 13 to 30<sup>th</sup> September 13 our collection rate is 57.4%, against 57.8% for the same period last year. Whilst acknowledging that this is a decrease, it is an improvement on predicted collection rates and within accepted tolerances.

**Extract from the minutes of the Cabinet meeting of 27 November 2013**

**Councillors Smith (in respect of his membership of St Johns and Highwoods Community Centre) and Quince (as a Trustee of Grassroots) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**54. 2014/15 Revenue Budget, Fees and Charges, Capital Programme and Financial Reserves**

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member.

Robert Needham, Chair of Trustees at Age UK Colchester, addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He explained that Age UK was supported by two principle funders: Colchester Borough Council and Age UK nationally. The Council's funding was subject to a Service Level Agreement. Similarly, the funding from Age UK nationally was subject to an agreement to deliver certain services, in particular the benefits welfare advice service. If it did not provide such a service, it would lose its funding from Age UK nationally and would be forced to close.

The report suggested that the Welfare Reform Act protected older people's access to benefits. However, this ignored the vulnerability of older people and their lack of knowledge about how to access benefits. Last year Age UK Colchester received 474 enquiries from older people and a total of £1,697,634 was awarded in otherwise unclaimed benefits. This could not be matched by any other organisation in Colchester. He suggested that instead the Council should reduce all grants to all charities in Colchester by 12.5% which would allow Age UK Colchester to continue.

Councillor Blundell attended and, with the consent of the Chairman, addressed the Cabinet in her capacity as a Trustee of Age UK Colchester. She endorsed the comments of Robert Needham and stressed the value of their work in addressing issues such as loneliness and isolation amongst elderly people. She noted that elderly residents had already suffered through the closure of Abbotts Activity Centre. The report provided no information about how other organisations, such as the Citizens Advice Bureau, could provide a benefits advisory service and she doubted whether they could provide as effective a service as Age UK. The Council had a duty of care to its elderly residents and should give Age UK the support it needed.

Councillor Bourne, Portfolio Holder for Housing, responded that it was important to separate Age UK's core funding from the funding given on a one off basis. The core funding was provided at a higher level than by other authorities. The Council was now proposing to freeze the core funding. The funding for the benefits advisory service had initially been provided on a one off basis under a separate service level agreement. This had had been



successful and the arrangement had been renewed over the past three years. However, it was not part of the core funding and therefore its withdrawal should not threaten the future of Age UK Colchester. Other service providers including the Council's Welfare Rights team would be able to help provide benefits advice to the elderly.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to ask why the Council subsidised the Arts Centre, given that it had justified the closure of Abbots Activity Centre on the grounds of costs. He did not believe that the users of the Arts Centre were a vulnerable group. The Mercury Theatre and firstsite served the wider community but this did not apply to the Arts Centre.

Councillor Willetts attended and with the consent of the Chairman, addressed the Cabinet. He believed that the budget report was unduly pessimistic and had failed to account fully for increases in grants and income. He expressed concern about the shortfall in car parking income, which had not been properly explained and the reduction in funding for the arts organisations. This would lead to price increases which in turn would limit access to the arts. The reductions in funding to the voluntary sector were at odds with aims outlined in the Council's strategic documents to protect the vulnerable and particularly the elderly.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Cabinet to express her concern about the proposed introduction of car parking charges at Gosbecks, which she believed would lead to parking being displaced on to the Roman Fields Estate. The Council should reconsider and look again at the costs of implementing and maintaining such a scheme.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Cabinet about the proposal to charge for parking at Gosbecks. When the decision to introduce parking charges at Highwoods had been called in, it had revealed that that only a very small profit could be made by such a scheme. Parking charges would displace parking to the Roman Fields estate and the entrance to Brick Wall Farm and should be ruled out now.

Councillor Quince attended and, with the consent of the Chairman, addressed the Cabinet to state that charging for parking at Gosbecks would cause serious problems on the Roman Fields estate. Congestion was also a serious problem in Colchester and the New Homes Bonus funding should be used on infrastructure to alleviate congestion.

Councillor Hunt, Portfolio Holder for Street and Waste Services, explained that he believed that it was right that those who used a car park should pay a larger proportion of costs for it than other Council Tax payers.

Councillor Smith, Portfolio Holder for Business and Resources, emphasised the reduction in Revenue Support Grant to the Council and the impact this had had. The administration had found £5 million in efficiencies but had protected frontline services. In respect of the arts organisations these

received significant funding from the Arts Council. They also made a significant contribution to the economy of the town, particularly the Arts Centre. Park and Ride was progressing which would address the issues of congestion. He stressed that the Council was not cutting its funding to voluntary organisations at the level at which it's own funding was being cut.

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, emphasised the excellent outreach work done by the Arts Centre. The reductions in funding to the art organisations had been negotiated with them and would not lead to price increases or a decrease in the quality of their programmes.

Councillor Bourne, Portfolio Holder for Housing, and Councillor Hunt, Portfolio Holder for Street and Waste Services, also indicated their support for the budget proposals. It was emphasised that 75% of savings had come from internal reviews. However, the programme of Fundamental Service Reviews was coming to a close and with further funding cuts to come, budget decisions would become increasingly difficult.

*RESOLVED* that:-

- (a) The current 2014/15 revenue budget forecast which at this stage shows a budget gap of £255k and the forecast variables and risks be noted.
- (b) The action being taken to finalise the budget be noted.
- (c) The recommended level of revenue balances be set at £1.8m for 2014/15 as set out in the Risk Analysis subject to consideration of outstanding issues as part of the final budget report in January 2014 (see Appendix F of the Assistant Chief Executive's report).
- (d) The current budget forecast for 2013/14 as set out at paragraph 12.11 of the Assistant Chief Executive's report be noted.
- (e) It be noted that there are no changes are proposed to the Council Tax discounts set out in Appendix J of the Assistant Chief executive's report.
- (f) The distribution of revenue grant to Parish, Town and Community Councils for 2014/15 as set out at Appendix C of the Assistant Chief Executive's report be approved.
- (g) The funding for voluntary welfare organisations as set out in Appendix D of the Assistant Chief Executive's report be approved.
- (h) Funding for the arts organisations set out at Appendix E of the Assistant Chief Executive's report be agreed.
- (i) All fees and charges as set out in Appendix I of the Assistant Chief Executive's report be agreed.

- (j) The release of resources £32k for Site Disposal Costs be agreed.
- (k) The reallocation of funds already within the capital programme be agreed as follows:-
  - a. £71.2k underspend relating to North Colchester BIC to be reallocated to North Colchester Development Land.
  - b. £4.9k underspend relating to King Edward Quay to be reallocated to Transcoast.
  - c. Castle Walls, Town Walls and Walls to Closed Churchyards to be amalgamated into one scheme.
- (l) *RECOMMENDED to COUNCIL* that the following new capital schemes are added to the Capital Programme, and the release of resources agreed:-
  - i) £856k for a new baler and shed at Shrub End Depot.
  - ii) £47.2k to relocate the Visitor Information Centre to Hollytrees
- (m) It be noted that the Council will no longer be implementing a Local Authority Mortgage Scheme (LAMS) for the reasons set out in paragraph 15.2. of the Assistant Chief Executive's report.

#### *REASONS*

The Council is required to approve a budget strategy and timetable in respect of the year 2014/15.

This report relates to the budget update, a review of balances and the capital programme. This report also includes decisions in respect of fees and charges and certain specific budget changes to ensure that these can be reflected in the final budget.

#### *ALTERNATIVE OPTIONS*

There are different options that could be considered and as the budget progresses changes and further proposals will be made and considered by Cabinet and in turn Full Council. The separate appendices showing specific decisions include alternative options where relevant.

**Item 12**

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
2 October – 20 November 2013**

| <b>Portfolio – Business and Resources</b> |               |                                 |                  |   |  |
|---|---------------|---------------------------------|------------------|---|--|
| <b>Date</b>                               | <b>Number</b> | <b>Report Title</b>             | <b>Author</b>    | <b>Decision</b>   | <b>Result</b>  |
| 30/10/13                                  | BUS-005-13    | Essex Business Rates Pool       | Sean Plummer     | To approve the decision that Colchester Borough Council agrees to join the Essex pool for business rates. | Decision can be implemented immediately as accompanied by an Urgency Authorisation Notice and therefore not subject to the 5 day call-in procedure |
| 18/11/13                                  | BUS-006-13    | Irrecoverable Debts over £5,000 | Debbie Greenwood | To approve the writing off of irrecoverable debts totalling £123,015.74                                   | Agreed 18/11/13  |

| <b>Portfolio – Communities and Leisure Services</b> |               |   |                          |  |  |
|---|---------------|---|--------------------------|--|--|
| <b>Date</b>   | <b>Number</b> | <b>Report Title</b>                                 | <b>Author</b>            | <b>Decision</b>  | <b>Result</b>  |
| 27/9/13   | COM-005-13    | Allotment charges and review of tenancy agreements. | Bob Penny<br>Claire Pick | To approve allotment plot rental effective from October 2014 and a review of the Allotment Strategy. | Call-in received 4/10/13. Reviewed at Scrutiny Panel on 12 |

**Item 12**

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
2 October – 20 November 2013**

|  |  |  |  |  |   |
|--|--|--|--|--|---|
|  |  |  |  |  | November 2013. Decision referred back to the Portfolio Holder for re consideration (see minute 33.) |
|--|--|--|--|--|---|

| <b>Portfolio – Customers</b> |               |  |               |  |                 |
|------------------------------|---------------|--|---------------|--|-----------------|
| <b>Date</b>                  | <b>Number</b> | <b>Report Title</b>  | <b>Author</b> | <b>Decision</b>  | <b>Result</b>   |
| 11/10/13                     | CUS-001-13    | Relocation of our primary public office to Colchester Town Centre Library. | Ann Hedges    | To agree to the relocation of our customer facing services office to the Colchester Town Centre Library. | Agreed 18/10/13 |

| <b>Portfolio – Housing</b> |               |  |                |  |                 |
|----------------------------|---------------|--|----------------|--|-----------------|
| <b>Date</b>                | <b>Number</b> | <b>Report Title</b>  | <b>Author</b>  | <b>Decision</b>  | <b>Result</b>   |
| 12/11/13                   | HOU-005-13    | Sale of pathway at 25 Magnolia Drive, Greenstead, Colchester | Nikki Williams | To approve the sale of a path at 25 Magnolia Drive to the owner of 25 Magnolia Drive, in accordance with the Disposal of Small Parcels of Land Policy. | Agreed 19/11/13 |

**Item 12**

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
2 October – 20 November 2013**

| <b>Portfolio – Planning, Community Safety and Culture</b> |               |  |               |  |                    |
|---|---------------|--|---------------|--|--------------------|
| <b>Date</b>   | <b>Number</b> | <b>Report Title</b>  | <b>Author</b> | <b>Decision</b>  | <b>Result</b>      |
| 11/10/13  | PLA-002-13    | Response to Communities and Local Government Consultation – Greater flexibilities for change of use. | Sarah Pullin  | To agree a response to the current government consultation which proposes greater flexibilities for change of use, and to agree to submit the agreed response. | Agreed<br>18/10/13 |

| <b>Portfolio – Regeneration</b> |               |  |               |   |                   |
|---------------------------------|---------------|--|---------------|---|-------------------|
| <b>Date</b>                     | <b>Number</b> | <b>Report Title</b>                                  | <b>Author</b> | <b>Decision</b>   | <b>Result</b>     |
| 30/9/13                         | REG-002-13    | Berryfield Works (Remediation of former bus station) | Howard Davies | To appoint the main contractor for the remediation of the former bus station back to a Greenfield site. | Agreed<br>7/10/13 |

| <b>Portfolio – Strategy</b> |               |                     |               |                 |               |
|-----------------------------|---------------|---------------------|---------------|-----------------|---------------|
| <b>Date</b>                 | <b>Number</b> | <b>Report Title</b> | <b>Author</b> | <b>Decision</b> | <b>Result</b> |
|                             |               |                     |               |                 |               |

| <b>Portfolio – Street and Waste Services</b> |               |                     |               |                 |               |
|--|---------------|---------------------|---------------|-----------------|---------------|
| <b>Date</b>                                  | <b>Number</b> | <b>Report Title</b> | <b>Author</b> | <b>Decision</b> | <b>Result</b> |
|  |               |                     |               |                 |               |



## Governance Committee

Item  
**11**

15 October 2013

|                |  |        |                            |
|----------------|--|--------|----------------------------|
| Report of      | Monitoring Officer                           | Author | Andrew Weavers<br>☎ 282213 |
| Title          | Review of Local Code of Corporate Governance |        |                            |
| Wards affected | Not applicable                               |        |                            |

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

### 1. Decision(s) Required

- 1.1 To review the updated Local Code of Corporate Governance for 2013/14 and to recommend to Council that it be approved for inclusion in the Council's policy framework.

### 2. Background

- 2.1 In 2007 CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives) issued "Delivering Good Governance in Local Authorities", a guide to ensuring that local authorities are appropriately governed. This was updated in December 2012.
- 2.2 Governance is defined as the systems and processes, and cultures and values, by which an organisation is directed and controlled and through which it accounts to, engages with and, where appropriate, leads their communities. It is about how Colchester Borough Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner
- 2.3 The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Members and Officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal.
- 2.4 Therefore a Local Code of Corporate Governance has been developed to ensure that the Council complies with the principles set out in the CIPFA/SOLACE guidance. The Local Code is reviewed annually, to ensure that the Council is still satisfying the principles, and forms part of the Council's Policy Framework.
- 2.5 The guidance identifies six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. The principles are;
- Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area;
  - Members and officers working together to achieve a common purpose with clearly defined functions and roles;
  - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;

- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
- Developing the capacity and capability of members and officers to be effective; and
- Engaging with local people and other stakeholders to ensure robust public accountability.

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

2.7 The Local Code, and the Councils compliance with the principles, have been reviewed, and attached at appendix 1 is the updated Local Code of Corporate Governance for 2013/14. This sets out the six principles and elaborates on how the Council is meeting them, what source documents or processes evidence this and in addition highlights any further or ongoing work. This in turn links into the Council's Annual Governance Statement.

2.8 The following changes to the Code are highlighted for the Committee's information:

- The Localism Act 2011 required various policies and procedures to be updated. These have been included in the review to ensure that the Council is complying with aspects of the Act that have already come into force.
- The Code has been updated to reflect the Council's new political governance arrangements.

### **3. Strategic Plan References**

3.1 The Council's Strategic Plan sets out two categories of priority areas, one of these is "Leading our communities" to help make Colchester the place to live, learn work and visit. Providing clear information, arrangements and policy will help communities and individuals engage with the Council and its objectives.

### **4. Publicity Considerations**

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

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

5.1 None.





# Code of Corporate Governance

A guide to the Council's compliance with the six principles of Corporate Governance.

October 2013

# Contents

# Page

|                 |    |
|-----------------|----|
| INTRODUCTION    | 2  |
| PRINCIPLE ONE   | 3  |
| PRINCIPLE TWO   | 6  |
| PRINCIPLE THREE | 10 |
| PRINCIPLE FOUR  | 14 |
| PRINCIPLE FIVE  | 18 |
| PRINCIPLE SIX   | 21 |

## THE PRINCIPLES OF CORPORATE GOVERNANCE

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

## CODE OF CORPORATE GOVERNANCE

### INTRODUCTION

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

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

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

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

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

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

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

## PRINCIPLE ONE

| <b>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</b>              |   |   |
|--|---|---|
| <b>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:</b> |   |   |
| 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                                 |   |
| <b>In order to achieve our aims we have/will:</b>  |   |   |
| 1.1.1  | Develop and promote the Council's purpose and vision  | <b>Source documents/Processes</b><br>Strategic Plan 2012-15<br>Service Plans<br>Sustainable Community Strategy<br>Communications Strategy<br>Consultation – "Consultations, Research and Statistics"<br>Policy Framework<br>Council website – <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a><br>Research and Engagement team project work |
| 1.1.2  | Review on a regular basis the Council's vision for the local area and its impact on the authority's governance arrangements                                   | <b>Further work ongoing</b><br>Strategic Plan Action Plan – progress is reported to Cabinet on a half yearly basis and published on the Council's website<br>Review of Council's Communications and Marketing<br>Customer Insight group<br><br>Local Code of Corporate Governance updated as required by CIPFA Guidance                                     |

| <b>In order to achieve our aims we have/will:</b>  | <b>Source documents/Processes</b>   | <b>Further work ongoing</b>  |
|--|---|--|
| 1.1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties   | Strategic Plan 2012-15<br>Sustainable Community Strategy<br>Partnership Strategy<br>Partnership Register  | Research is currently being undertaken into establishing the Council's partners key values and vision          |
| 1.1.4 Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance                            | Statement of Accounts<br>Council's website <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a><br>"Council Awards and Accreditations" and "Performance and Improvement" – sections on the Council's website  | Strategic Plan actions and monitoring of delivery  |
| 1.2.1 Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available | Performance Reporting to Senior Management and Scrutiny Panel.<br>Customer Excellence programme<br>Customer Excellence Standard<br>Consultation – "Consultations, Research and Statistics" section on website<br>Mosaic and Touchstone customer research tools<br>Annual Monitoring Report<br>External Audit annual audit letter and recommendations<br>Policy Review and Development Panel | Govmetric<br>Fundamental Service Reviews<br>Projects carried out by the Council's Research and Engagement team |

| <b>In order to achieve our aims we have/will:</b>  | <b>Source documents/processes</b>   | <b>Further work ongoing</b>  |
|--|---|--|
| <p>1.2.2 Put in place effective arrangements to identify and deal with failure in service delivery</p>   | <p>Performance Reporting and performance indicators<br/>                     Complaints Procedure<br/>                     Internal Audit Process<br/>                     Chief Operating Officer<br/>                     Performance Management Board<br/>                     External Auditors annual audit letter and recommendations</p> | <p>Group monitoring of summary service plan delivery.<br/>                     Fundamental Service Reviews</p> |
| <p>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.</p> | <p>Performance Reporting<br/>                     Local Authority Carbon Management<br/>                     Nottingham Declaration Strategy and Action Plan<br/>                     External Auditors annual audit letter and recommendations</p>   | <p>Sustainability assessments for Local Development Framework</p>  |

**PRINCIPLE TWO**

| <b>Core Principle 2 – Members and Officers working together to achieve a common purpose with clearly defined functions and roles</b>  |   |   |
|---|---|---|
| <b>Our aims in relation to Members and Officers working together to achieve a common purpose with clearly defined functions and roles are to:</b>   |   |   |
| 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  |   |
| <b>In order to achieve our aims we have/will:</b>   | <b>Source documents/Processes</b>   | <b>Further work ongoing</b>                                       |
| 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)<br>Record of decisions and supporting materials<br>Member/Officer Protocol<br>Member Training and Development<br>Senior officer training<br>Council website – Council and Democracy Section   | 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)<br>Protocols on planning, the representational role of Members, Chairmen, Officer/Members<br>Schemes of Delegation<br>Conditions of Employment<br>Council website – Council and Democracy Section |   |



| <b>In order to achieve our aims we have/will:</b>   | <b>Source documents/Processes</b>  | <b>Further work ongoing</b>  |
|---|--|--|
| 2.2.2 Make the chief executive or equivalent responsible and accountable to the authority for all aspects of operational management   | Chief Executive designated Head of Paid Service<br>Constitution (Head of Paid Service responsibilities)<br>Conditions of Employment<br>Schemes of Delegation<br>Job Accountability Statement / Person Specification<br>Signature on Annual Governance Statement                    | The Constitution will continue to be reviewed on a rolling basis.<br>Support for this from Chief Operating Officer |
| 2.2.3 Develop protocols to ensure that the leader and chief executive (or equivalent) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained  | Constitution<br>Member/Officer Protocol<br>Regular 1:2:1's   | The Constitution will continue to be reviewed on a rolling basis.  |
| 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 | Finance Manager has been appointed as the Council's Chief Financial Officer (S151 Officer).<br>Constitution<br>Job Accountability Statement / Person Specification<br>S151 Officer Protocol<br>Report template includes financial implications before report considered by Members | Annual Review of Officer Pay Policy 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 compiled with (usually the Monitoring Officer)                                   | Legal Services Manager has been appointed as the Council's Monitoring Officer<br>Monitoring Officer Protocol<br>Report template requires that Legal Services are consulted before a report considered by Members   |  |

|   |  |   |
|---|--|---|
| 2.3.1 Develop protocols to ensure effective communication between members and officers in their respective roles  | Member / Officer Protocol<br>Planning Procedures Code of Practice<br>Outside Bodies advice given to Members<br>Member and Officer Codes of Conduct   | Annual Review of Officer Pay Policy by Full Council   |
| 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<br>Independent Remuneration Panel Terms of Reference and Reports<br>Regular liaison meeting with Unison  |   |
| 2.3.3 Ensure that effective mechanisms exist to monitor service delivery  | Performance Reporting and performance indicators<br>Complaints Procedure<br>Heads of Service monitoring Service Plans<br>Performance Management Board<br>Performance system<br>Scrutiny Panel  | Customer insight work   |
| 2.3.4 Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated | Strategic Plan underpinned by a review of all existing consultation work. Specific consultation with hard to reach groups.<br>Medium Term Financial Strategy<br>Performance reporting and performance indicators<br>Council Website<br>Communications Strategy<br>E-Courier<br>Customer insight groups | Strategic Plan Action Plan – progress is reported to Cabinet on a half yearly basis and published on the Council's web site.<br>Fundamental Service Reviews |

| <b>In order to achieve our aims we have/will:</b>  | <b>Source documents/Processes</b>  | <b>Further work ongoing</b>  |
|--|--|--|
| <p>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</p>   | <p>Constitution<br/>Individual Partnership Agreements<br/>Service Level Agreements<br/>Advice given to Members in relation to outside bodies<br/>Partnership Strategy<br/>Partnership Register</p> | <p>Research is currently being undertaken into establishing the Council's partners key values and vision</p> |
| <p>2.3.6 When working in partnership:</p> <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> | <p>Constitution<br/>Individual Partnership Agreements<br/>Service Level Agreements<br/>Advice given to Members in relation to outside bodies<br/>Partnership Strategy<br/>Partnership Register</p> | <p>Research is currently being undertaken into establishing the Council's partners key values and vision</p> |

**PRINCIPLE THREE**

|  |   |  |
|--|---|--|
| <p><b>Core Principle 3 – Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour</b></p>  |   |  |
| <p><b>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:</b></p> <p>3.1 Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance</p> <p>3.2 Ensuring that organisational values are put into practice and are effective</p> |   |  |
| <p><b>In order to achieve our aims we have/will:</b></p>   |   |  |
| <p>3.1.1 Ensure that the authority’s leadership sets a tone for the organisation by creating a climate of openness, support and respect</p>  | <p><b>Source documents/Processes</b></p> <p>Constitution<br/>                 Chief Executive’s and Leader’s blog on the Council’s intranet<br/>                 Performance reporting<br/>                 Governance Committee has an overall view of conduct issues established by its terms of reference<br/>                 Member and Officer Codes of Conduct<br/>                 Member/Officer Protocol<br/>                 Whistleblowing Policy<br/>                 Anti Fraud and Corruption Policy<br/>                 Freedom of Information Policy statement and publication scheme<br/>                 Monitoring Officer and S151 Officer Protocols<br/>                 Implementation of Localism Act 2011, Member conduct regime.</p> | <p><b>Further work ongoing</b></p> <p>Best Councils’ survey work<br/>                 Quarterly briefing for staff<br/>                 Annual review of the Ethical Governance policies</p> |

| <b>In order to achieve our aims we have/will:</b>  | <b>Source documents/Processes</b>  | <b>Further work ongoing</b>                  |
|--|--|--|
| 3.1.1 continued  | Planning Procedures Code of Practice<br>Officer Register of Gifts and Hospitality<br>Officer voluntary register of interests<br>Member's Register of Interests<br>Website and intranet<br>Corporate Roadshows by Chief Executive for staff<br>Hub and Spokes Officers focus group<br>Portfolio Holders monthly sessions with senior officers<br>"Corporate Governance" section on the Council's website bringing all relevant information together under one heading | Flexible working and Way We Work Programme   |
| 3.1.2 Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols | Member and Officer Codes of Conduct<br>Performance System<br>Complaints procedures<br>Anti-fraud and Corruption Policy<br>Member/Officer Protocols<br>Member Development Programme<br>Officer training on Member/ officer relationship<br>Whistleblowing Policy<br>Information and Communication Technology (ICT)<br>Security Policy<br>Safeguarding Policy<br>Hub (intranet)<br>Charter Status for Elected Member Development                                       | Annual review of Ethical Governance policies |

| In order to achieve our aims we have/will:   | Source documents/Processes   | Further work ongoing  |
|--|--|---|
| 3.1.3 Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice | Member and Officer Codes of Conduct<br>Equality and Diversity training for Members and Officers<br>Financial Procedure Rules,<br>Contract Procedure Rules<br>Ethical Governance policies<br>Registers of Interests (Officers and Members)<br>Services and processes are underpinned by<br>Equality Impact Assessments<br>Equality Objectives<br>Officer induction and training | Annual review of Ethical Governance Policies  |
| 3.2.1 Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners  | Member and Officer Codes of Conduct<br>Strategic Plan, Administration's vision, objectives and priorities in place and shared<br>Way We Work Programme - organisational values for People, Customer Excellence, Leadership of Place Shaping and Transformation<br>Performance reporting<br>Customer Excellence   | Strategic Plan Action Plan – progress is reported to scrutiny on a half yearly basis<br><br>People Strategy actions<br><br>Implementation of Fundamental Service Review of Customer Contact |
| 3.2.2 Put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice   | Contract Procedure Rules<br>Ethical Governance Policies<br>Member and Officer Codes of Conduct<br>Monitoring of the above takes place by the Governance Committee<br>ICT Security Policy<br>Charter Status for Elected Member Development  | Annual reporting to Governance Committee  |

| In order to achieve our aims we have/will:   | Source documents/Processes   | Further work ongoing  |
|--|--|---|
| 3.2.3 Develop and maintain an effective Standards Committee  | <p>Agenda and Minutes<br/> Terms of Reference<br/> Regular meetings<br/> Work programme<br/> Member conduct issues now within remit of Governance Committee</p>  | Annual review of the Localism Act Arrangements by the Governance Committee. |
| 3.2.4 Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority  | <p>Member and Officer Codes of Conduct<br/> Strategic Plan, Administration's vision, objectives and priorities in place and being shared<br/> Way We Work Programme<br/> Performance Appraisals<br/> Customer Excellence<br/> Portfolio Holder sessions with Senior Managers<br/> Policy Framework</p> |   |
| 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 | <p>Values agreed with each partner<br/> Partnership Register<br/> Partnership Strategy</p>   |   |

## PRINCIPLE FOUR

| <b>Core Principle 4 – Taking informed and transparent decisions which are subject to effective scrutiny and managing risk</b>   |  |  |
|---|--|--|
| <b>Our aims in relation to taking informed and transparent decisions which are subject to effective scrutiny and managing risk are to:</b>  |  |  |
| <p>4.1 Being rigorous and transparent about how decisions are taken and listening and acting on the outcomes of constructive scrutiny</p> <p>4.2 Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs</p> <p>4.3 Ensuring that an effective risk management system is in place</p> <p>4.4 Using their legal powers to the full benefit of the citizens and communities in their areas</p> | <p style="text-align: center;"><b>Source documents/Processes</b></p> <p>Scrutiny is supported by robust evidence and data analysis<br/>                     Agenda and Minutes<br/>                     Work programme<br/>                     Successful outcome of reviews<br/>                     Training on developing meaningful work programme<br/>                     Training for scrutiny chairman<br/>                     Scrutiny of partners and joint projects</p> | <p style="text-align: center;"><b>Further work ongoing</b></p> |
| <p>4.1.1 Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the organisation's performance overall and of any organisation for which it is responsible</p>  | <p>Constitution<br/>                     Decision making protocols<br/>                     Record of decisions and supporting materials<br/>                     Report template<br/>                     Decision list published</p>   |  |
| <p>4.1.2 Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based</p>  |  |  |



| <b>In order to achieve our aims we have/will:</b>   | <b>Source documents/Processes</b>   | <b>Further work ongoing</b>  |
|---|---|--|
| <p>4.1.3 Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice</p>  | <p>Member and Officer Codes of Conduct<br/>                     Member and Officer Registers of Interests<br/>                     Declaration of Interests at meetings<br/>                     Code of Conduct guidance and training provided to Members and Officers<br/>                     Planning procedures Code of Practice<br/>                     Governance Committee have responsibility for these issues<br/>                     Monitoring Officer reports on these issues<br/>                     Politically restricted posts<br/>                     Ethical Governance Policies</p> | <p>Annual review of Ethical Governance Policies</p>  |
| <p>4.1.4 Develop and maintain an effective Audit Committee (or equivalent) which is independent or make other appropriate arrangements for the discharge of the functions of such a committee</p>   | <p>Scrutiny Panel Terms of Reference<br/>                     Governance Committee<br/>                     Audit awareness training<br/>                     Agenda and Minutes</p>  |  |
| <p>4.1.5 Put in place effective transparent and accessible arrangements for dealing with complaints</p>   | <p>Complaints procedure "Help us get it right"</p>  | <p>Customer insight work</p>   |
| <p>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</p> | <p>Council's Website<br/>                     Report templates dealing with key aspects<br/>                     Report by Head of Service with necessary technical expertise included<br/>                     Training and professional development<br/>                     Equality Impact Assessments</p>  | <p>Projects carried out by the Council's Research and Engagement Team<br/>                     Customer insight work</p> |

| 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 Monitoring Officer and S151 Officer before report considered by Members<br>Record of decision making and supporting materials<br>S151 and Monitoring Officer Protocols<br>Equality Impact Assessments   |   |
| 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 part of the Policy Framework<br>Corporate Risk Manager<br>Corporate/service planning<br>Cabinet Member with accountability for risk management<br>Quarterly reporting to Governance Committee<br>Performance Management Board quarterly risk review<br>Risk Registers- Strategic, Operational and Project<br>Risk and Control self assessment completed by all managers<br>Training for Members and Officers<br>Hub area for Risk Management | Fundamental Service reviews look at different ways of delivering services, with risk taken into account |
| 4.3.2 Ensure that arrangements are in place for Whistleblowing to which staff and all those contracting with the authority have access  | Whistleblowing Policy<br>Information for contractors<br>Monitoring Officer<br>Constitution<br>Section 151 Officer   | Annual review of Whistleblowing Policy  |

| <b>In order to achieve our aims we have/will:</b>  | <b>Source documents/Processes</b>  | <b>Further work ongoing</b>   |
|--|--|---|
| 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<br>Monitoring Officer<br>Report templates<br>Equality Impact Assessments<br>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<br>Monitoring Officer Protocol<br>S151 Officer Protocol<br>Report templates<br>Constitution<br>Equality Impact Assessments<br>Equality Objectives  |   |
| 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 | Monitoring Officer Protocol<br>S151 Officer Protocol<br>Procedure Rules<br>Report template<br>Constitution<br>Format for quasi judicial committees<br>“Have Your Say” leaflet<br>Planning Procedure Code of Practice<br>Equality Impact Assessments<br>Equality Objectives | Data Transparency - Code of Recommended Practice for Local Authorities –section on website to coordinate these requirements. DCLG is currently consulting on additional items to be added to the Code in 2013 |

## PRINCIPLE FIVE

| <b>Core Principle 5 – Developing the capacity and capability of Members and Officers to be effective</b>  |   |                                  |
|---|---|----------------------------------|
| <b>Our aims in relation to developing the capacity and capability of Members and Officers to be effective are:</b>  |   |                                  |
| <p>5.1 Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles</p> <p>5.2 Developing the capability of people with governance responsibilities and evaluating their performance as an individual and as a group</p> <p>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</p> |   |                                  |
| <b>In order to achieve our aims we have/will:</b>   | <b>Source documents/Processes</b>   | <b>Further work ongoing</b>      |
| <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<br/>Member and Officer Induction programmes<br/>Refresher courses<br/>Briefings<br/>Officer Development Plan (individual and corporate)<br/>Appraisals for officers<br/>People Strategy<br/>Personal Development Plans<br/>Learning &amp; Development Strategy/Annual Plan<br/>Charter Status for Elected Member Development</p> | <p>Member skills development</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<br/>Training<br/>Induction<br/>Monitoring Officer and S151 Officer Protocols<br/>Employee Policies<br/>Learning and Development Strategy/Annual Learning and Development Plan</p>   |                                  |

| <b>In order to achieve our aims we have/will:</b>  | <b>Source documents/Processes</b>  | <b>Further work ongoing</b>                                  |
|--|--|--|
| 5.2.1 Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively   | Appraisals for officers<br>SMART objectives<br>Personal Development Plans for officers<br>Member training and development<br>People Strategy<br>Learning and Development Strategy/Annual Learning and Development Plan<br>Charter Status for Elected Member Development      | Member skills development                                    |
| 5.2.2 Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed  | Appraisals for officers<br>Personal Development Plans for officers<br>Member training and development<br>Member scrutiny training<br>People Strategy<br>Colchester Learning Managers and Customer Excellence awards<br>Charter Status for Elected Member Development         | Member skills development<br><br>Fundamental Service Reviews |
| 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 performance indicators<br>Performance and Improvement Framework<br>Performance management and appraisals for officers<br>SMART objectives<br>People Strategy<br>Investors in People Assessment<br>Annual Audit Letter<br>Organisational Assessment |  |

| <b>In order to achieve our aims we have/will:</b>  | <b>Source documents/Processes</b>   | <b>Further work ongoing</b>   |
|--|---|---|
| 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>Equality Impact Assessments on services and policies<br/>           Consultations, Research and Statistics on website<br/>           Voluntary Sector Compact<br/>           Mosaic and Touchstone<br/>           Public meetings<br/>           Equality Objectives<br/>           Strategic Plan Consultation<br/>           Local Development Framework consultation<br/>           Life opportunities and Community development work<br/>           Neighbourhood Action Panels<br/>           Consultations (e.g. waste survey carried out using a range of communication methods to encourage participation)<br/>           Customer insight work<br/>           Research and Engagement Team projects</p> | Review of Council communications and marketing  |
| 5.3.2 Ensure that career structures are in place for Members and Officers to encourage participation and development   | <p>People Strategy<br/>           Internal Recruitment Process<br/>           Internal Secondments<br/>           Personal Development Plans for officers</p>   | <p>Human Resource Plans<br/>           Member skills development<br/>           Fundamental Service Reviews</p> |

## PRINCIPLE SIX

| <b>Core Principle 6 – Engaging with local people and other stakeholders to ensure robust public accountability</b>              |   |  |
|---|---|--|
| <b>Our aims in relation to engaging with local people and other stakeholders to ensure robust public accountability are to:</b> |   |  |
| 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   |  |
| <b>In order to achieve our aims we have/will:</b>   | <b>Source documents/Processes</b>   | <b>Further work ongoing</b>  |
| 6.1.1   | Make clear to themselves, all staff and the community, to whom they are accountable and for what  | Constitution<br>Community Strategy<br>Stakeholder identification<br>Targets and Performance Monitoring<br>Website and intranet<br>Consultation Strategy<br>Communications Strategy<br>Satisfaction surveys |
| 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<br>Statutory provisions<br>Stakeholder surveys<br>Consultation Strategy<br>Communications Strategy<br>Partnership Strategy & Register   |
| 6.1.3   | Produce an annual report on scrutiny function activity  | Annual Report  |

| <b>In order to achieve our aims we have/will:</b>   | <b>Source documents/Processes</b>   | <b>Further work ongoing</b>  |
|---|---|--|
| 6.2.1 Ensure that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively  | Communications Strategy<br>Websites & E-Courier<br>Equality Impact Assessments<br>Safeguarding Policies   | Review of Council communication and marketing  |
| 6.2.2 Hold meetings in public unless there are good reasons for confidentiality   | Constitution<br>Access to Information Rules<br>Compliance with Localism Act access to information regulations   |  |
| 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 2012-15<br>Website - "Consultations, Research and Statistics" section<br>Consultation strategy<br>Communications strategy<br>Equality Objectives and Equality Impact Assessments<br>Corporate business plan & Service plans<br>Budget Consultation Meeting | Fundamental Service Reviews  |
| 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<br>Customer Excellence<br>Customer insight project team<br>Partnership framework<br>Communication strategy<br>Consultation Strategy<br>Budget Consultation meeting<br>Strategic Plan consultation<br>Mosaic and Touchstone             | Govmetric<br>Customer insight work<br>Website - "Consultations, Research and Statistics" section |



| <b>In order to achieve our aims we have/will:</b>   | <b>Source documents/Processes</b>  | <b>Further work ongoing</b>  |
|---|--|--|
| <p>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</p>   | <p>Statement of Accounts<br/>Strategic Plan 2012-15<br/>Website <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a><br/>Performance Reporting and Performance Indicators<br/>Council website has "Performance and Improvement" "Council Awards and Achievements" and "Council and Democracy" sections<br/>Archived agendas and minutes now published as well as the current ones on the website</p> | <p>Strategic Plan Action Plan – progress is reported to scrutiny on a half yearly basis</p>  |
| <p>6.2.6 Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so</p> | <p>Constitution<br/>Customer service standards<br/>Voluntary Sector Compact<br/>"Have Your Say" at meetings<br/>Freedom of Information Act Publication Scheme<br/>Member and Officer Codes of Conduct<br/>Way We Work Programme<br/>Ethical Governance Policies<br/>Monitoring Officer Protocol<br/>Communications Policy<br/>Data Protection Policy<br/>ICT Security Policy<br/>Council website</p>             | <p>Annual review of Ethical Governance Policies<br/>Data Transparency - Code of Recommended Practice for Local Authorities –section on website to coordinate these requirements. DCLG to advise on additional items to be added to the Code.</p> |
| <p>6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making</p>   | <p>Investors in People<br/>Facilities and Recognition Agreement with UNISON</p>  | <p>Communications Strategy</p>   |



## Governance Committee

Item  
**10**

15 October 2013

|                |   |        |                            |
|----------------|---|--------|----------------------------|
| Report of      | Monitoring Officer                        | Author | Andrew Weavers<br>☎ 282213 |
| Title          | Review of the Ethical Governance Policies |        |                            |
| Wards affected | Not applicable                            |        |                            |

**This report requests the Committee to review the updated Ethical Governance policies**

### 1. Decision(s) Required

1.1 To review the following revised policies:

- Anti-Fraud and Corruption,
- Whistleblowing,
- Benefits Sanctions,
- Anti-Money Laundering,
- Corporate Information Security
- Covert Surveillance

1.2 And to recommend to Council that they be approved for inclusion in the Council's policy framework.

### 2. Background

- 2.1 The Council is committed to maintaining the highest standards of governance including the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly, openly and accountably so as to protect public safety and public money.
- 2.2 A varied range of policies and procedures form the Corporate Governance framework and a selection of these relate to Ethical Governance - those specifically regarding conduct and integrity.
- 2.3 The Ethical Governance policies set out the standards of conduct and integrity that it expects from staff, elected members, suppliers, partners, volunteers and the public. Breaches of the policies will be pursued and procedures have been introduced to enable any person to raise genuine concerns they may have about the conduct of anybody acting for or on behalf of the Council.
- 2.4 In February 2012 full Council adopted a statement of intent in relation to both Ethical and Corporate Governance which gave a high organisational commitment to zero tolerance of fraud, corruption and bribery. The Ethical Governance policies were also adopted as part of the Council's policy framework.

### **3. Review of Ethical Governance Policies**

3.1 The Anti-Fraud and Corruption, Whistleblowing, Benefits Sanctions, Anti-Money Laundering and Covert Surveillance policies were last reviewed by the former Standards Committee in November 2012.

3.2 These policies have been reviewed to ensure that they remain fit for purpose and no changes are proposed to the policies apart from the Benefits Sanctions Policy which has been updated in the following areas:

- **Sanctions** – More detail has been added around the criteria for when a sanction is applicable
- **Loss Of Benefit** – Legislation change; longer benefit exclusion periods following an Administrative Penalty, Caution or prosecution now up to 3years exclusion.
- **Administrative Penalties** – Legislation Change; Administrative Penalty amounts increased from 30% to 50% of overpaid benefit. Also added in ability to offer in LCTS cases
- **Additional Penalties** – Legislation change; Ability for LA to now offer small (£50 or £70) penalties where customer is negligent (rather than intentionally fraudulent) for Housing Benefit and LCTS

3.3 The Corporate Information Security Policy was last reviewed in 2008 and it has now been reviewed to bring it in line with the other Ethical Governance policies to ensure it is fit for purpose.

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

4.1 Governance forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

### **5. Publicity Considerations**

5.1 Any amendments to the Council's policies will be included in the Constitution and will be placed on the Council's website.

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

6.1 None.



# Anti-Fraud & Corruption Policy

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

October 2013

# Contents

# Page

|      |  |   |
|------|--|---|
| 1.0  | INTRODUCTION                                   | 1 |
| 2.0  | OVERVIEW                                       | 1 |
| 3.0  | CULTURE  | 2 |
| 4.0  | RESPONSIBILITIES & PREVENTION                  | 3 |
| 4.1  | Responsibilities of Elected Members            | 3 |
| 4.2  | Responsibilities of the Monitoring Officer     | 3 |
| 4.3  | Responsibilities of the Section 151 Officer    | 3 |
| 4.4  | Responsibilities of the Senior Management Team | 4 |
| 4.5  | Responsibilities of Employees                  | 4 |
| 4.6  | Role of Internal Audit                         | 4 |
| 4.7  | Role of the Benefits Investigation             | 5 |
| 4.8  | Role of the Ethical Governance Review Team     | 5 |
| 4.9  | Role of the External Auditors                  | 5 |
| 4.10 | Role of the Public                             | 5 |
| 4.11 | Conflicts of Interest                          | 5 |
| 4.12 | Official Guidance                              | 6 |
| 5.0  | DETECTION & INVESTIGATION                      | 6 |
| 5.1  | Disciplinary Action                            | 6 |
| 5.2  | Prosecution                                    | 6 |
| 5.3  | Publicity                                      | 7 |
| 6.0  | AWARENESS & MONITORING                         | 7 |

---

# ANTI-FRAUD & CORRUPTION POLICY

## 1.0 INTRODUCTION

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

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

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

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

## 2.0 OVERVIEW

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

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

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

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

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

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

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

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

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

### 3.0 CULTURE

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

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

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

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

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

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

## **4.0 RESPONSIBILITIES & PREVENTION**

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

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

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

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

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

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

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

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

- Compliance with the statutory requirements for accounting and internal audit;
  - Managing the financial affairs of the Council
  - The proper exercise of a wide range of delegated powers both formal and informal;
  - The recognition of the fiduciary responsibility owed to local tax payers.
- Under these statutory responsibilities the Section 151 Officer contributes to the anti-fraud and corruption framework of the Council.



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

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

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

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

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

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

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

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

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

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

Due to the specialised nature of benefit fraud investigations a separate sanctions policy has been developed that covers all aspects of the benefit investigation process.

#### **4.8 Role of the Ethical Governance Review Team**

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

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

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

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

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

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

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

## 4.12 Official Guidance

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

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

## 5.0 DETECTION & INVESTIGATION

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

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

Detailed guidance on the investigation process is available separately.

### 5.1 Disciplinary Action

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

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

### 5.2 Prosecution

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

### **5.3 Publicity**

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

## **6.0 AWARENESS & MONITORING**

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

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

This policy and associated procedures will be reviewed at least annually and will be reported to senior management and committee.



# Whistleblowing Policy

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

October 2013

# Contents

# Page

|     |   |   |
|-----|---|---|
| 1.0 | Introduction                                | 1 |
| 2.0 | Aims and Scope of the Whistleblowing Policy | 2 |
| 3.0 | Safeguards                                  | 3 |
| 3.1 | Harassment or Victimisation                 | 3 |
| 3.2 | Confidentiality                             | 3 |
| 3.3 | Anonymous Allegations                       | 3 |
| 3.4 | Untrue Allegations                          | 4 |
| 4.0 | How to raise a concern                      | 4 |
| 5.0 | How the Council will respond                | 5 |
| 6.0 | The Responsible Officer                     | 6 |
| 7.0 | How the matter can be taken further         | 6 |
| 8.0 | Questions regarding this policy             | 6 |
| 9.0 | Review                                      | 6 |

## WHISTLEBLOWING POLICY

### 1.0 Introduction

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

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

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

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

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

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

## 2.0 Aims and Scope of the Whistleblowing Policy

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice without fear of recrimination
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith
- advise you of the support that the Council will provide if you raise concerns in good faith

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

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

This concern may be about something that:

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



## **3.0 Safeguards**

### **3.1 Harassment or Victimisation**

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

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

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

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

### **3.2 Confidentiality**

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

### **3.3 Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

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

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

### 3.4 Untrue Allegations

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

## 4.0 How to raise a concern

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

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

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

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

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

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

Chief Executive, Adrian Pritchard ☎ 282211

Monitoring Officer, Andrew Weavers ☎282213

Section 151 Officer, Sean Plummer ☎282347

Finance Manager Audit and Governance, Elfreda Walker ☎282461.

Risk & Resilience Manager, Hayley McGrath ☎508902

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

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

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

## 5.0 How the Council will respond

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

Where appropriate, the matters raised may be:

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

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

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

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

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

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

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

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

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

## 6.0 The Responsible Officer

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

## 7.0 How the matter can be taken further

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

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

If you are considering taking the matter outside of the Council, you should ensure that you are entitled to do so and that you do not disclose confidential information. An independent charity, Public Concern at Work, can offer independent and confidential advice. They can be contacted on ☎ 020 7404 6609 or by email at [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

## 8.0 Questions regarding this policy

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

## 9.0 Review

This policy will be reviewed on an annual basis.



# Fraud Sanctions Policy

A guide to the Council's approach to the use of formal sanctions in relation to Housing Benefit Fraud and Local Council Tax Fraud.

October 2013

# Contents

# Page

|      |                              |   |
|------|------------------------------|---|
| 1.0  | INTRODUCTION                 | 1 |
| 2.0  | GENERAL PRINCIPLES           | 1 |
| 3.0  | ORGANISATION                 | 2 |
| 4.0  | SANCTIONS                    | 2 |
| 5.0  | CAUTIONS                     | 3 |
| 6.0  | ADMINISTRATIVE PENALTIES     | 3 |
| 7.0  | PROSECUTIONS                 | 4 |
| 8.0  | CIVIL PENALTIES              | 4 |
| 9.0  | PROCEEDS OF CRIME ACT (POCA) | 5 |
| 10.0 | LOSS OF BENEFIT (LOB):       | 5 |
| 11.0 | RECOVERY OF DEBT             | 5 |
| 12.0 | SUMMARY                      | 5 |

## **FRAUD SANCTIONS POLICY**

### **1.0 INTRODUCTION**

Colchester Borough Council aims to provide a modern, customer focused, efficient, effective and secure Housing Benefit service that is continuously seeking to improve. This document sets out the policy of Colchester Borough Council towards sanctions, including criminal prosecutions, for offences relating to Housing Benefit Fraud and Local Council Tax Fraud.

This policy has been developed with the aim of providing a framework to ensure a fair and consistent approach to the use of formal sanctions. It refers to criteria relating to the offence, offender, value and duration of the fraud which have to be taken into account before considering whether a sanction is appropriate, and if so, which sanction to apply.

This policy needs to be considered in conjunction with the council's Anti-Fraud and Corruption Policy Statement which sets out the commitment to prevent, detect and investigate benefit fraud.

Housing Benefit is administered by a local authority on behalf of the Department of Work and Pensions (DWP) as part of the statutory local government functions. Furthermore, Local Council Tax Support is a locally defined Council Tax Reduction scheme and therefore our Policy is a matter for our members. In practice, the benefit investigation aspect of the policy broadly follows the approach of the Department of Work and Pensions.

### **2.0 GENERAL PRINCIPLES**

Colchester Borough Council is committed to the prevention, detection, correction, investigation and, where appropriate, prosecution of fraudulent claims to Housing Benefit or Local Council Tax Support (LCTS).

The aim is to prevent criminal offences occurring by making it clear to our customers that they have a responsibility to provide accurate and timely information about their claims; to punish wrongdoing; and to deter offending.

This policy supports the DWP Public Service Agreement and the Government's latest fraud strategy published in February 2012 called 'Fighting Fraud Locally'. It also provides a full response to the need to be effective against fraud in the full range of welfare benefits and Local Government Finance.

Each potential fraud is assessed against local criteria by Colchester Borough Council's Investigations Team. This assessment will result either in cases being investigated further to criminal investigation standards or referred to a Benefits officer to Review. Review action usually comprises of an interview regarding any changes in circumstances and the allegation concerned. Further action will depend upon the

outcome of the interview but they will be reminded of their responsibilities and may be advised about their future conduct and required to rectify or withdraw their claim.

Each case that is subject to a criminal investigation is considered on its own merits, having regard to all of the facts, before an appropriate sanction, if any is administered.

### **3.0 ORGANISATION**

Criminal investigations are undertaken in accordance with:

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

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

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

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

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

Colchester Borough Council works closely with the DWP Fraud Investigation Service (FIS) team operating under similar prosecution practices and has a Fraud Partnership Agreement (FPA) with them. The agreement supports joint working activity such as joint interviews under caution and investigations, to aid in the tackling of fraud in the full range of welfare benefits. Furthermore, the DWP have a financial investigations team who any LA has access to; to administer the confiscation order process.

### **4.0 SANCTIONS**

Where an offence is believed to have been committed the Investigation Team can consider administering a caution, offering an administrative penalty, or instigating a prosecution. The decision to offer a penalty or commence criminal proceedings will depend on the customer's individual circumstances; taking into account the criteria within section 7.1 and 7.2.



Civil penalties are also available to be administered by Colchester Borough Council at a statutory set amount where no other sanction has been accepted by the customer. The customer must have been considered to have acted negligently rather than with intent as per a criminal offence in order to have a Civil Penalty imposed.

## **5.0 CAUTIONS**

A formal caution is an administrative sanction that a local authority in England and Wales is able to offer as an alternative to a prosecution as long as specific criteria are met, and the case is one that Colchester Borough Council could take to court if the caution was refused. Cautions are not appropriate to be used in cases of LCTS fraud.

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

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

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

## **6.0 ADMINISTRATIVE PENALTIES**

An Administrative Penalty is the offer to the customer to agree to pay a financial penalty where, the customer has caused or could have caused by either an act or omission excess Housing Benefit or LCTS to be paid to them or a third party.

The amount of the penalty is set in statute at 30 or 50 percent of the amount of the gross overpayment and/or excess reduction; dependant on when the offences occurred. An Administrative Penalty can be offered where the overpayment of Housing Benefit is less than £4000. For LCTS cases the Administrative Penalty can be offered for Excess Reductions amounting to less than £2000.

Additional penalties for 'attempts' to receive increased Reductions or Housing Benefit by act or omission are set in statute as £100 or £350 respectively.

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

## 7.0 PROSECUTIONS

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

- the gross adjudicated overpayment or excess reduction is £2,000 or over
- false identities or other personal details have been used
- false or forged documents have been used
- official documents have been altered or falsified
- the person concerned is in a position of trust
- the person concerned assisted or encouraged others to commit offences
- there is evidence of premeditation or organised fraud
- the person concerned has relevant previous convictions
- the customer had previously been convicted of benefit fraud
- the offer of an administrative penalty or formal caution is not accepted or withdrawn

Further consideration should be given to the following:

- Length of the suspected offence?
- Health at the time of the suspected offence and now?
- Are there any social factors to consider
  - Health
  - Family make up
  - Financials
  - Geographical location

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

## 8.0 CIVIL PENALTIES

The aim of the civil penalty is to address the financial loss to the Exchequer which arises from claimant error in Housing Benefit and Council Tax Support claims and make customers more personally responsible for overpayments they incur in relation to such claims. Civil Penalties for both Housing Benefit and LCTS matters can be offered to customers where a customer:

(a) negligently makes incorrect statements and fails to take reasonable steps to correct the error or

(b) fails, without reasonable excuse, to provide information or to disclose changes in their circumstances.

A penalty administered in respect of LCTS is set in statute as £70; as per The Council Tax Reduction schemes (Detection of Fraud and Enforcement) (England) Regulations 2013

A penalty administered in respect of Housing Benefit is set in statute as £50 as per The Social Security (Civil Penalties) Regulations 2012.

## **9.0 PROCEEDS OF CRIME ACT (POCA)**

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

## **10.0 LOSS OF BENEFIT (LOB):**

The Loss of Benefit provisions are designed to be a deterrent against abuses of the benefit system.

Social security (Loss of Benefit) Regulations 2001 as amended by the Social Security (loss of benefit) Amendment Regulations 2013 allow for reduction or withdrawal of Social Security benefits and allowances in payment to individuals and their partners who have accepted the offer of a caution, administrative penalty or have been prosecuted. This includes both DWP and Local Authority benefits, such as Housing benefit.

The following list is the level of Loss of Benefit imposed dependant on the nature and frequency of fraud offences;

- Level 1 – Offences which result in an Administrative Penalty or caution will result in a LOB penalty of 4 weeks
- Level 2 – For a first benefit fraud conviction the LOB penalty duration will be 13 weeks
- Level 3 – Where there are two offences, within a set time period, with the latter resulting in a conviction the LOB penalty will be for a period of 26 weeks
- Level 4 – A 3 year LOB penalty will apply where there are three offences within a set time period the latter resulting in a conviction
- Level 5 – An immediate 3 year LOB for serious organized and identity fraud cases

## **11.0 RECOVERY OF DEBT**

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

## **12.0 SUMMARY**

This policy represents a commitment to protect public funds and to ensure that benefits are delivered only to those who have a true entitlement to them. Whilst the council appreciates that the majority of customers are honest, it will continue to fight abuse of the system by those who falsely claim benefits to which they are not entitled.



# Anti-Money Laundering Policy

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

October 2013

# Contents

# Page

|   |   |
|---|---|
| 1. Introduction   | 1 |
| 2. Scope of the Policy                                    | 1 |
| 3. Definition of Money Laundering                         | 1 |
| 4. Requirements of the Money Laundering Legislation       | 2 |
| 5. The Money Laundering Reporting Officer (MLRO)          | 2 |
| 6. Client Identification Procedures                       | 2 |
| 7. Reporting Procedure for Suspicions of Money Laundering | 3 |
| 8. Consideration of the disclosure by the MLRO            | 4 |
| 9. Training   | 5 |
| 10. Conclusion  | 5 |
| 11. Review  | 5 |

## **ANTI-MONEY LAUNDERING POLICY**

### **1. Introduction**

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

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

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

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

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

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

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

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

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

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

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

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

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

The main requirements of the legislation are:

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

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

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

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

## **6. Client Identification Procedures**

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

If satisfactory evidence is not obtained at the outset of a matter, then the transaction must not be progressed and a disclosure report, available on the Hub, must be submitted to the Money Laundering Reporting Officer.

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

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

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

Your disclosure should be made to the MLRO using the disclosure report, available on the Hub. The report must include as much detail as possible including

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

Along with any other available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable him to prepare his report to the Serious Organised Crime Agency, 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 Serious Organised Crime Agency (SOCA), via the MLRO, to take any further part in the transaction - this is the case even if the client gives instructions for the matter to proceed before such consent is given. You should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline;

Once you have reported the matter to the MLRO you must follow any directions he may give you. You must NOT make any further enquiries into the matter yourself: any necessary investigation will be undertaken by the SOCA. Simply report your suspicions to the MLRO who will refer the matter on to the SOCA 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 SOCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO; otherwise you may commit a criminal offence of “tipping off”.

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

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

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

The MLRO will consider the report and any other available internal information he thinks relevant e.g.:

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

And undertake such other reasonable inquiries he thinks appropriate in order to ensure that all available information is taken into account in deciding whether a report to the SOCA 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 NCIS for a particular transaction to proceed.

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

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

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

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

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 SOCA 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 SOCA.

## **9. Training**

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

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

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

## **10. Conclusion**

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

## **11. Review**

This policy will be reviewed annually.



# Code of Practice on Covert Surveillance

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

October 2013

| Contents   | Page |
|--|------|
| 1.0 INTRODUCTION   | 1    |
| 2.0 WHAT DOES THE ACT AND THE CODE COVER?                    | 2    |
| 2.1 Directed surveillance                                    | 2    |
| 2.2 General observations                                     | 2    |
| 2.3 Intrusive surveillance                                   | 3    |
| 2.4 Covert Human Intelligence Sources                        | 3    |
| 3.0 AREAS OF OPERATION                                       | 3    |
| 4.0 AUTHORISATION AND AUTHORISING OFFICERS                   | 4    |
| 5.0 CRIME THRESHOLD  | 4    |
| 6.0 GROUNDS FOR GRANTING AN AUTHORISATION                    | 5    |
| 7.0 PROCEDURE FOR AUTHORISATIONS, CANCELLATIONS AND RENEWALS | 6    |
| 7.1 Authorisations   | 6    |
| 7.2 Magistrates Approval                                     | 6    |
| 7.3 Review   | 6    |
| 7.4 Renewals   | 6    |
| 7.5 Cancellations  | 7    |
| 7.6 Audit  | 7    |
| 8.0 MISCELLANEOUS POINTS                                     | 7    |
| 8.1 Material obtained from covert surveillance ("product")   | 7    |
| 8.2 CCTV   | 7    |
| 9.0 TRAINING   | 7    |
| 10.0 GENERAL BEST PRACTICES                                  | 8    |
| 11.0 SENIOR RESPONSIBLE OFFICER                              | 8    |
| 12.0 COMPLAINTS  | 8    |
| 13.0 QUERIES ABOUT THIS CODE OF PRACTICE                     | 8    |

## CODE OF PRACTICE ON COVERT SURVEILLANCE

### 1.0 INTRODUCTION

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

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

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

The Home office has also issued guidance (“the Guidance”) on the judicial approval process for RIPA and the crime threshold for directed surveillance.

You will need to familiarise yourself with the contents of the Code and the Guidance. 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>

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

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

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

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

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

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

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

## 2.0 WHAT DOES THE ACT AND THE CODE COVER?

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

### 2.1 Directed surveillance

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

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

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

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

### 2.2 General observations

General observations by officers in the course of their duties are not covered by the Act and the Code says that;

“General observation forms part of the duties of many law enforcement officers and other public bodies...This low level activity will not usually be regulated under the provisions of the 2000 Act”.

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

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

## 2.3 Intrusive surveillance

“Intrusive Surveillance” is surveillance that is;

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

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

## 2.4 Covert Human Intelligence Sources

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

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

## 3.0 AREAS OF OPERATION

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

- Neighbour nuisance and anti social behaviour
- Protection of Council property
- Licensing enforcement
- Fraud against the Council(including benefit fraud)
- Misuse of Council property, facilities and services
- Enforcement of the planning regime
- Environmental monitoring and control
- Food Safety enforcement.
- CCTV, but more on this later (see 7.2)

Subject to the crime threshold referred to at 5.

## 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, the Council considers that the following officers can authorise directed surveillance (these officers are either Chief Officers, Assistant Chief Officers, Assistant Heads of Service, Service Manager or officers in charge of investigations);

Executive Directors  
Assistant Chief Executive Corporate and Financial Management  
Head of Commercial Services  
Head of Community Services  
Head of Customer Services  
Head of Operational Services  
Head of Professional Services

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

Any officer authorising directed surveillance should ensure that the request meets the criteria set down in the Act, the Code and the Guidance. Officers may 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 one of the officers named above.

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

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

## 5.0 CRIME THRESHOLD

The Guidance states that the Council:

- **can** only grant an authorisation under RIPA for the use of directed surveillance where it is investigating criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.
- **cannot** authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment.



- **can** authorise use of directed surveillance in more serious cases as long as the other tests are met – i.e. that it is necessary and proportionate and where prior approval from a Magistrate has been granted. Examples of cases where the offence being investigated attracts a maximum custodial sentence of six months or more could include more serious criminal damage, dangerous waste dumping and serious or serial benefit fraud.
- **can** authorise the use of directed surveillance for the purpose of preventing or detecting specified criminal offences relating to the underage sale of alcohol and tobacco where the necessity and proportionality test is met and prior approval from a Magistrate has been granted.
- **cannot** authorise the use of directed surveillance under RIPA to investigate disorder that does not involve criminal offences or to investigate low-level offences which include, for example, littering, dog control and fly-posting.

## 6.0 GROUNDS FOR GRANTING AN AUTHORISATION

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

- **for the purposes of preventing or detecting crime or of preventing disorder and it meets the crime threshold mentioned in 5 . above.**

AND the authorising officer must also believe that the surveillance is proportionate to what it seeks to achieve.

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

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

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

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

## **7.0 PROCEDURE FOR AUTHORISATIONS, CANCELLATIONS AND RENEWALS**

### **7.1 Authorisations**

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

Authorisations must be in writing on the form attached.

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

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

An authorisation will cease to have effect (unless renewed) at the end of a period of *three months* beginning with the day on which it took effect.

### **7.2 Magistrates Approval**

Once an Authorisation form has been completed Legal Services will:

- contact the Magistrates Court to arrange for a hearing
- supply the court with a partially completed judicial application/ order form
- supply the court with a copy of the Authorisation and any supporting documents setting out the Council's case
- the hearing will be in private and be heard by as single justice of the peace.
- The justice of the peace may decide to either:
  - (i) approve the grant (or renewal) of an authorisation; or
  - (ii) refuse to approve the grant ( or renewal) of an authorisation

### **7.3 Review**

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

### **7.4 Renewals**

A renewal of an authorisation can be made at any time before it expires and should 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 person who last granted or renewed the authorisation must cancel it if s/he is satisfied that the directed surveillance no longer meets the criteria for authorisation. A cancellation should be made on the form attached. The original should be retained on the case file and a copy passed to Legal Services for retention centrally.

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

## **7.6 Audit**

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

## **8.0 MISCELLANEOUS POINTS**

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

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

### **8.2 CCTV**

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

## **9.0 TRAINING**

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

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

This Code of Practice and the standard forms are available in electronic format on the Hub under One Council/ Corporate Governance/ Code of practice of covert surveillance.

## 10.0 GENERAL BEST PRACTICES

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

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

## 11.0 SENIOR RESPONSIBLE OFFICER

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

- the integrity of the process in place within the Council to authorise directed surveillance;
- compliance with Part II of the Act, the Code and the Guidance;
- engagement with the Office of the Surveillance Commissioners and inspectors when they conduct their inspections, and where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner.
- that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of the Surveillance Commissioners.

## 12.0 COMPLAINTS

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

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

## 13.0 QUERIES ABOUT THIS CODE OF PRACTICE

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



# Corporate Information Security Policy

A guide to the Council's responsibility to maintain, safeguard and comply with the laws governing the processing and use of information and communications technology.

October 2013

| Contents                                  |   | Page |
|---|---|------|
| 1.0                                       | Introduction  | 1    |
| 2.0                                       | Information Security Framework                                    | 2    |
| 3.0                                       | Objectives  | 2    |
| 4.0                                       | Scope   | 2    |
| 5.0                                       | Legal and Regulatory Obligations                                  | 3    |
| 6.0                                       | Roles and Responsibilities  | 3    |
| 6.1                                       | Chief Executive Officer   | 3    |
| 6.2                                       | Information Security Management Group                             | 3    |
| 6.3                                       | Information Security Officer                                      | 3    |
| 6.4                                       | SIRO (Senior Information Risk Owner)                              | 3    |
| 6.5                                       | Risk Manager  | 4    |
| 6.6                                       | Information Owners (also referred to as Information Asset Owners) | 4    |
| 6.7                                       | Directors, Heads of Service and Line Managers                     | 4    |
| 6.8                                       | Employees   | 4    |
| 6.9                                       | Users of systems and information                                  | 5    |
| 7.0                                       | Approach to Risk Management                                       | 5    |
| 8.0                                       | Incident Reporting and Management                                 | 6    |
| 9.0                                       | Review  | 6    |
| 10.0                                      | Awareness, Compliance and Auditing                                | 6    |
| 11.0                                      | Monitoring  | 7    |
| 12.0                                      | Documentation   | 7    |
| Appendix A – Key Legislation & Regulation |   | 9    |

# CORPORATE INFORMATION SECURITY POLICY

## 1.0 Introduction

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

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

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

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

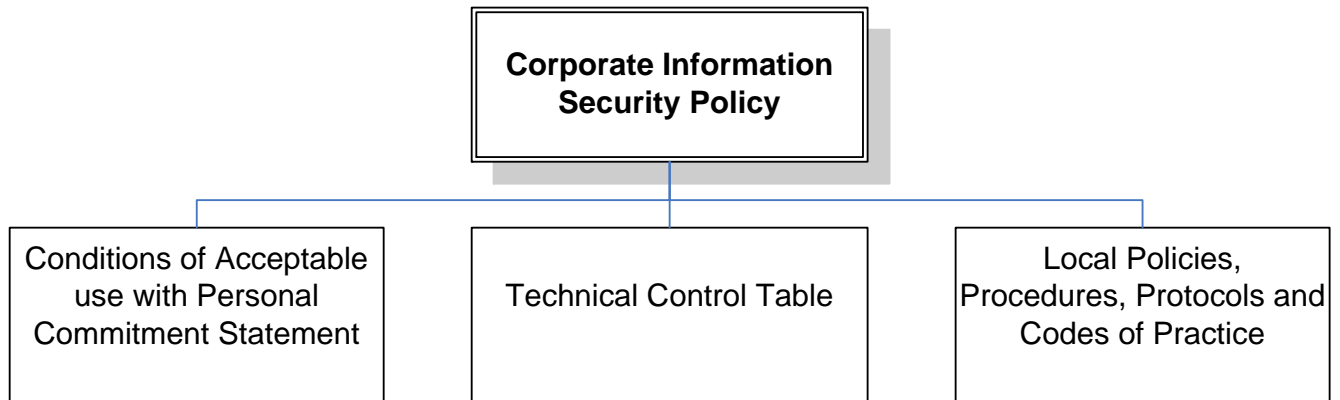
This policy is designed to provide an appropriate level of protection to the information for which the Council is responsible. Supporting this policy is a set of information security technical controls which form the minimum standard that an Essex OnLine partner has to comply with. Individual organisations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

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

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

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

## 2.0 Information Security Framework



## 3.0 Objectives

The objective of the Corporate Information Security Policy is to ensure that:

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

## 4.0 Scope

The scope of this policy is for any employee, elected member, agency worker, third party organisation or other authorised personnel.



## 5.0 Legal and Regulatory Obligations

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

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

## 6.0 Roles and Responsibilities

### 6.1 Chief Executive Officer

The CEO is ultimately responsible for ensuring that all Information is appropriately protected.

### 6.2 Information Security Management Group

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

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

### 6.3 Information Security Officer

This role is fulfilled by the Information Team who are responsible for the day to day management of information security activities, and for responding to Information Security Incidents.

### 6.4 SIRO (Senior Information Risk Owner)

The SIRO

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

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

## 6.5 Risk Manager

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

## 6.6 Information Owners (also referred to as Information Asset Owners)

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

They are responsible for:

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

## 6.7 Directors, Heads of Service and Line Managers

Are responsible for:

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

## 6.8 Employees

Are responsible for:

- Ensuring that they conduct their business in accordance with this Policy and all applicable supporting policies.
- Familiarising themselves with this Policy, and all applicable supporting Policies, Procedures, Standards and Guidelines.

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

## **6.9 Users of systems and information**

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

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

## **7.0 Approach to Risk Management**

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

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

## 8.0 Incident Reporting and Management

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

## 9.0 Review

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

## 10.0 Awareness, Compliance and Auditing

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

### Awareness

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

### Compliance

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

### Auditing

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

## 11.0 Monitoring

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

## 12.0 Documentation

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

Disclaimer:

This printed version may not be the current version.

A current version may be obtained in the required format from the EOLP Resource Team or from Colchester Borough Council Information Team.

### Version History

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

| <b>Vers ion</b> | <b>Release Date</b>        | <b>Update Authorised by</b> | <b>Update carried out by</b> | <b>Update Approved by</b> | <b>Changes</b>  |
|-----------------|----------------------------|-----------------------------|------------------------------|---------------------------|---|
| 2.3             | 112 <sup>th</sup> Feb 2010 | EOLP                        | EOLP Resource Team           |                           | Moved Definitions to Technical Control spreadsheet, minor changes following Information Security working group meeting.                                     |
| 3.0             | 1 <sup>st</sup> March 2010 | EOLP                        | EOLP Resource Team           | EOLPMG                    | Removed the highlights that indicated the changes that were made.   |
| 3.1             | 23 <sup>rd</sup> June 2011 | EOLP                        | EOLP Resource Team           |                           | Incorporated PSN CoCo requirements  |
| 4.0             | 14 <sup>th</sup> July 2011 | EOLP                        | EOLP Resource Team           | EOLP ISWG                 | Incorporated feedback from ISWG   |
| 5.0             | 27 <sup>th</sup> Sept 2011 | EOLP                        | EOLP Resource Team           | EOLP ISWG                 | Additional text for Information Owners and added role of Risk Manager, text taken from PSS IA glossary. Changes to Approach to Risk and Incident Management |
| 5.1             | 18 <sup>th</sup> Oct 2012  | EOLP                        | EOLP Resource Team           | EOLP ISWG                 | Risk Manager section changed DSO to SIRO  |
| 6.0             | Nov 2012                   | EOLP                        | EOLP Resource Team           | EOLP ISWG                 | Version 6 Issued  |
| 6.1             | June 2013                  | CBC                         | CBC Information Team         |                           | Version 6.1 Issued  |
|                 |                            |                             |                              |                           |   |

## Appendix A

This is a list of key legislations and regulations.

### **Data Protection Act 1998 and EU Directive on Data Protection**

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

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

Further information on this Act can be obtained from the Information Team 01206 508793 [info@colchester.gov.uk](mailto:info@colchester.gov.uk)

### **Computer Misuse Act 1990**

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

This Act addresses the following offences:

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

### **Copyright, Patents and Designs Act 1988**

Documentation must be used strictly in accordance with current applicable copyright legislation, and software must be used in accordance with the licence restrictions. Unauthorised copies of documents or software may not be made under any circumstances.

### **Companies Act 1985**

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

### **Freedom of Information Act 2000**

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

Further information can be provided by the Information Team [info@colchester.gov.uk](mailto:info@colchester.gov.uk) .



## Licensing Committee

Item  
**7**

7 November 2013

|                |  |        |                           |
|----------------|--|--------|---------------------------|
| Report of      | Head of Professional Services                        | Author | Martin Nelson<br>☎ 282841 |
| Title          | Statement of Licensing Policy for Sex Establishments |        |                           |
| Wards affected | All  |        |                           |

**This report provides background information to the attached proposed final draft of the Council's Statement of Licensing Policy for Sex Establishments following that Policy's scrutiny by Counsel and the public consultation process that was carried out.**

### 1. Decisions Required

- 1.1 Members are asked to consider the attached proposed final draft Statement of Licensing Policy for Sex Establishments following the incorporation of amendments that have resulted from the legal opinion given on the Policy by our appointed Counsel.
- 1.2 The Licensing Committee is then asked to formally adopt the revision of the Statement of Licensing Policy as it stands, thus enabling its use by the Council in considering future applications.

### 2. Reasons for Decisions

- 2.1 To improve the application form to ensure that all the relevant information on which the Committee can base its decision is made available as part of the application process and to make changes to the policy to ensure it reflects recent case law and and the operational demands of the service.

### 3. Alternative Options

- 3.1 To leave the application form and the Policy as it is and continue to use the existing form.

### 4. Supporting Information

- 4.1 A report was brought before the Committee on 11 September 2013 with details of the proposed new application forms for use by applicants in applying for a sex establishment licence and with a proposed draft Statement of Licensing Policy. The Policy had been amended to ensure that it reflected recent case law and the operational demands of the service.
- 4.2 The Policy was sent to the Police and to those holding sex establishment licences issued by the Council. It was also been sent to a leading licensing barrister for legal scrutiny. Ward Councillors were invited comment on the proposed draft Policy and a



copy of the Policy and an invitation to comment on it was also placed on the Council's website.

- 4.3 Counsel has now given his opinion on the draft Statement and his suggested amendments to the Policy have been incorporated into the original draft. The amended final draft is attached to this report (see Appendix 1). By adopting the amendments suggested by Counsel, the Policy itself will be stronger and more robust.

## **5. Strategic Plan References**

- 5.1 The provisions introduced by Section 27 of the Policing & Crime Act 2009, which amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, required all premises operating as sex establishments in the Council's area to be licensed. These provisions link to the Council's strategic plan for improving our streets and local environment.

## **6. Consultation**

- 6.1 Unlike other Licensing Policy Statements, such as those for alcohol and gambling, there are no statutory provisions regarding consultation on this particular policy. Therefore, in formulating a suggested process, consideration was given to the general principles and case law concerning consultation. There have been no comments on the policy or the application form from the general public and only one from a Councillor endorsing the changes.

## **7. Publicity Considerations**

- 7.1 Publicity on the draft Sex Establishment Policy was not required by legislation but has been provided by inviting various representative bodies to comment on the policy and by placing it on the Council's website and inviting comment.

## **8. Financial Implications**

- 8.1 Other than as yet unknown, but minimal, costs of any publicity or printing costs concerning the publication of the final approved Policy, there have also been some costs incurred by the Licensing Authority in having sought Counsel's opinion on the proposed draft revised Policy.
- 8.2 There may also be costs incurred in defending any action brought against the Council which seeks to judicially review the Statement of Licensing Policy. However, having sought Counsel's opinion and agreed to the amendments that Counsel has suggested, the Policy is undoubtedly more robust and compliant with the law and national guidance. Therefore any such action is considered unlikely to be successful.

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

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

- 9.2 An Equality Impact Assessment can be found on [www.colchester.gov.uk](http://www.colchester.gov.uk) > Council and Democracy > Policies, strategies and performance > Diversity and equality > Equality Impact Assessments > Equality Impact Assessments for Environmental and Protective Services > Sex Establishments Policy.

## **10. Community Safety Implications**

- 10.1 The adoption by the Council of the amendments made to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as introduced by Section 27 of the Policing & Crime Act 2009, has enhanced community safety by increasing the matters the Council is able to consider when determining applications to provide relevant entertainment at sexual entertainment venues, and by allowing 'local people' to have a greater input into the process.

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

- 11.1 Not applicable within the context and recommendations of this report.

## **12. Risk Management Implications**

- 12.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation to proposals to establish Sex Establishments within the Borough.

**Colchester Borough Council**

**Statement of Licensing Policy for Sex Establishments  
(including Sex Shops, Sexual Entertainment Venues  
and Sex Cinemas)**

This policy sets out the Council's proposed approach to regulating sex establishments and the procedures it will adopt in relation to applications for sex establishment licences.

The policy is intended as a guide to applicants, licence holders, objectors and members of the licensing committee and provides information on what the Council expects to see in relation to an application. The advice and guidance contained in the appendices attached to the policy are intended only to assist applicants and other parties and should not be interpreted as legal advice. All parties are advised to seek their own legal advice if they are unsure of any of the requirements of the legislation in so far as they relate to the licensing of sexual entertainment venues. It should be noted that the Council, as licensing authority, is required to implement the licensing regime in accordance with the law and not in accordance with any moral codes.

Any comments on this policy should be sent to:-

Colchester Borough Council  
Head of Professional Services  
Licensing Specialist Unit  
33 Sheepen Road  
Colchester  
Essex  
CO3 3WG

Or by e-mailing [EPS.Support@colchester.gov.uk](mailto:EPS.Support@colchester.gov.uk) or by telephoning Customer Services on 01206 282222

July 2013

## Contents

|   | <b>Page</b> |
|---|-------------|
| 1. Adoption of Legislation                            | 3           |
| 2. Definition of 'Sex Establishment'                  | 3           |
| 3. Existing Premises                                  | 3           |
| 4. Location of Licensed Premises                      | 4           |
| 5. Impact   | 4           |
| 6. Suitability of the Applicant                       | 4           |
| 7. Applications                                       | 5           |
| 8. Fees   | 6           |
| 9. Advice and Guidance                                | 6           |
| 10. Grant, renewal, variation or transfer of licences | 6           |
| 12. Objections  | 7           |
| 13. Determining Applications                          | 8           |
| 14. Conditions  | 8           |
| 15. Refusal of Licences                               | 8           |
| 16. Appeals   | 9           |
| 17. Revocation of Licences                            | 9           |
| 18. Cancellation of Licences                          | 9           |
| 19. Complaints  | 9           |
| 20. Enforcement                                       | 10          |
| 21. Human Rights                                      | 10          |
| 22. Updates to the Policy Documents                   | 11          |
| Appendix A – Definitions                              | 12          |
| Appendix B – Requirements for applications            | 16          |
| Appendix C – Application Forms                        | 19          |
| Appendix D – Newspaper Advertisement and Site Notice  | 49          |
| Appendix E – Certificate for Site Notice              | 50          |
| Appendix F – Refusals and Revocations of Licences     | 51          |
| Appendix G – Standard Conditions                      | 52          |

## 1. Adoption of legislation

- 1.1 Colchester Borough Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on 14 October 1982. This provided the Council with the ability to license sex establishments. The Policing and Crime Act 2009 amended the Miscellaneous Provisions Act, in so far as it related to the licensing of sex establishments, by adding the new category of “sexual entertainment venue”.
- 1.2 On 13 October 2010 the Council resolved to re-adopt Schedule 3 of the Miscellaneous Provisions Act, as amended by the Policing and Crime Act 2009, thereby requiring all premises operating as sex establishments in the Council’s area to be licensed. The definition of sex establishments now includes sexual entertainment venues. Adoption of Schedule 3 also allows the Council to set terms, conditions and fees for the grant, renewal, transfer and variation of such licences and the number of licences that may be issued in the area. The provisions of the Act came into effect, after advertisement, in the Colchester Borough area on 31 January 2011.

## 2. Definition of ‘Sex Establishment’

- 2.1 A ‘sex establishment’ is defined under the Act as a ‘sex shop’, a ‘sex cinema’ or a ‘sexual entertainment venue’. Full definitions of those terms can be found in **Appendix A** to this policy.

## 3. Existing Premises

- 3.1 To date the Council has not imposed a restriction on the number of sex establishment licences that can be issued. The town currently has 2 licensed sex shops located in Butt Road, Colchester. In addition, there is a premises in St Botolph’s Street providing adult entertainment in the form of lap dancing or similar entertainment. This is currently licensed as “regulated entertainment” under the provisions of the Licensing Act 2003.
- 3.2 These premises are shown by Ward in the table below.

| Ward          | Sex Shop | Sexual Entertainment Venue | Sex Cinema |
|---------------|----------|----------------------------|------------|
| Castle        |          | 1                          |            |
| Christ Church | 1        |                            |            |
| New Town      | 1        |                            |            |

- 3.3 The Council recognises that there are existing businesses in the Borough providing such services and it is the Council’s policy to allow these licences to be maintained. However, in the event that these existing premises cease to trade there will be no presumption that a licence will be granted to a new applicant wishing to trade in the same location.

## **4. Location of Licensed Premises**

- 4.1 The Council has a discretion to refuse to grant or renew licences for sex establishments on the grounds that the licence would be inappropriate having regard to the character of the locality or the use of premises in the vicinity. Without prejudice to other elements of the policy, and whilst treating each new application on its own merits, the Council's policy is ordinarily to refuse licences on these grounds for premises that are in close proximity to;
- (a) residential accommodation;
  - (b) schools, nurseries and other premises used by children and vulnerable persons;
  - (c) parks or other recreational areas used by children and other vulnerable persons;
  - (d) religious centres and places of religious worship;
  - (e) youth, community and leisure centres;
  - (f) access routes to and from premises listed above;
  - (g) historic buildings or visitor attractions;
  - (h) an area designated either as an area under regeneration, or due to be regenerated.

## **5. Impact**

- 5.1 The Council, in considering whether the discretionary grounds for refusal apply and whether the licence should be refused on such grounds, will take into account the following, where it is relevant to do so:
- (a) the type of activity, the duration of the licence and the proposed hours of operation;
  - (b) the layout and condition of the premises;
  - (c) any cumulative and adverse impact of existing sexually related licensable activities in the same locality as the proposed premises;
  - (c) crime and disorder issues;
  - (d) any evidence relating to actual or likely noise or disturbance caused by the premises;
  - (e) the character of the locality;
  - (f) the use of other premises in the vicinity.

## **6. Suitability of the Applicant**

- 6.1 The Council, in considering whether the applicant or applicants are fit and proper to hold a licence will take into account the following, where it is relevant to do so:
- (a) the operation of existing or previous licences held by the applicant, including their track record of compliance;
  - (b) their experience and knowledge of the type of sex establishment they are applying to run;

- (c) their ability to comply with the licensing requirements and minimise the impact of the business on local residents and businesses;
- (d) any reports concerning the applicant received from the Police or any other source;
- (e) the honesty of the applicant(s);
- (f) whether the applicant(s) intend to operate the premises or employ other people to do so;
- (g) whether the management proposed will deliver compliance with operating conditions through managerial competence; presence; a credible management structure including individuals experienced in running premises of this nature; enforcement of rules internally through training, monitoring and the publication of rates for performers and customers; a viable business plan;
- (h) whether management can be relied upon to act in the best interests of the performers;
- (i) whether there is a written welfare policy for performers and how this is to be enforced;
- (j) what system is in place to ensure that performers are adults and entitled to live and work in the UK;
- (k) whether management can be relied upon to protect the public by, for example, transparent charging and freedom from solicitation.

## 7. Applications

- 7.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the Council in accordance with the requirements shown in **Appendix B** of this policy document.
- 7.2 A specimen example of the Council's application form and also a notice for the newspaper and public advertisement of the application; and the form of certificate for the site notice are attached as **Appendices C, D and E** of this document.
- 7.3 An application can be served on the Council as follows:-
- (a) by post or by personal service to the Head of Professional Services, Licensing Specialist Unit, 33 Sheepen Road, Colchester, CO3 3WG
  - (b) by e-mail to [EPS.Support@colchester.gov.uk](mailto:EPS.Support@colchester.gov.uk);
  - (c) by fax to 01206 – 282598
  - (d) on-line (when the facility becomes fully operational).
- 7.4 The Council encourages applicants to serve their applications and other notices on it electronically. In line with the Provision of Service Regulations 2009, where an application for the grant, renewal, variation or transfer of a licence is submitted electronically, the Council will send a copy of the application to the Chief Constable of Essex Police not later than 7 days after the date that the application is received. In all other cases, it will still be the responsibility of the applicant to serve a copy on the Chief Constable of Essex Police within 7 days of submitting an application to the Council.

- 7.5 The Council expects that any premises for which a licence is required should have either planning consent or lawful use under planning legislation for the intended use and hours of operation. The Council will not treat licensing applications as a re-run of a planning application however, and it will not seek to impose licensing conditions which duplicate conditions that have been imposed on a planning consent.
- 7.6 The Council will notify relevant Ward Councillors of an application in their area.

## **8. Fees**

- 8.1 The licence fees for all sex establishments including sexual entertainment venues have been reviewed and set at a level that is reasonable and proportionate to the effective cost of administering the application and licensing process.
- 8.2 The application process involves paying a non-returnable application fee. The fees will be reviewed annually by the Council having regard to the costs associated with each application in the previous year. Any profit from the payment of a licence fee will be deducted from the following year's fee. Fees are set annually by the Portfolio Holder for Street and Waste Services and are published on the Council's website. The current schedule of fees can be found at [www.colchester.gov.uk/licensing](http://www.colchester.gov.uk/licensing)

## **9. Advice and Guidance**

- 9.1 The Council will seek to liaise with applicants and, wherever possible and necessary, mediate between applicants and objectors in order to achieve a satisfactory outcome for all stakeholders. Applicants are advised to discuss their proposals with the Council and any interested parties prior to an application being made.

## **10. Grant, renewal, variation or transfer of licences**

- 10.1 The Council may grant to any applicant and renew a licence for the use of any premises as a 'sex establishment' on such of the terms and conditions specified by the Council which are shown in **Appendix G** of this document.
- 10.2 A licence once granted will usually remain in force for 12 months, but can be issued for a shorter period if deemed appropriate. In order to continue operating as a sex establishment the licence holder must make a renewal application to the Council prior to the expiry of the existing licence.
- 10.3 An application to transfer a licence to any other person may be made.



- 10.4 Where an application for renewal or transfer of a licence is made before the expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.
- 10.5 The holder of a licence may apply to the Council to vary the terms, conditions or restrictions on, or subject to which, the licence is held.

## **12. Objections**

12.1 Anyone wishing to object to an application must do so in writing within 28 days of the application being made to the Council. Representations can be made via-

- (a) by post or by personal service to the Head of Professional Services, Licensing Specialist Unit, 33 Sheepen Road, Colchester, CO3 3WG
- (b) by e-mail to [EPS.Support@colchester.gov.uk](mailto:EPS.Support@colchester.gov.uk);
- (c) by fax to 01206 – 282598

The objection must state the grounds on which it is made.

- 12.2 A person making a representation must state their full name and address and their grounds for objecting to the application.. The Council will not consider objections that are frivolous, vexatious or relate to moral grounds.
- 12.3 The Council has the discretion to consider representations made after the 28 day consultation period. The Council's acceptance of late representations will be assessed on a case by case basis having regard to the length of delay, the mitigating reason or circumstances that caused the delay and the amount of time before the hearing date that the applicant has to consider the representation.
- 12.4 Where written objections are made the Council will provide copies to the applicant. However, the Council will not normally divulge the identity of the objector/s to the applicant without their permission to do so.
- 12.5 Where objections are made and are not withdrawn, a hearing before members of the Licensing Committee will normally be held within 20 working days of the end of the objection period, unless all parties agree in writing beforehand that a hearing is no longer necessary. The Council may under certain circumstances need to hold a hearing later than 20 working days after the end of the objection period and may do so at its discretion.
- 12.6 There is no explicit provision in the legislation for objectors to be heard at a hearing. However it is likely that in most cases the Council will use its discretion to allow objectors or their representative to put their case at a hearing. The Council must be notified in writing by the objector, prior to the hearing, if they wish someone else to speak on their behalf.

### **13. Determining applications**

- 13.1 The Council will consider each application in its own right and on its own merit.
- 13.2 When considering applications, the Council will have regard to:
- (a) the Local Government (Miscellaneous Provisions) Act 1982
  - (b) the Human Rights Act
  - (c) the Provision of Services Regulations
  - (d) Section 19 of the Crime and Disorder Act 1998
  - (e) the Equality Act
  - (f) any supporting or accompanying regulations;
  - (g) this Statement of Licensing Policy.
- 13.3 When determining applications, the Council will take account of any written objections, comments or observations made by the Chief Constable of Essex Police and any objections made by other interested parties.

### **14. Conditions**

- 14.1 No condition will be imposed by the Council that cannot be shown to be appropriate, reasonable and proportionate to the application that has been submitted.
- 14.2 In the event that conditions are attached to the grant of a licence they will be adapted to the operating circumstances and requirements of the individual premises and may also take into account any objections, comments or observations received, particularly where they have been received from the Chief Constable of Essex Police.
- 14.3 The Council may attach any of those conditions shown in **Appendix G** which are relevant to the activities granted to the sex establishment licence applied for. These conditions are not exhaustive however and further conditions may be applied to the licence on the advice of the Chief Constable of Essex Police or may be attached by the Council following a hearing by Members of the Committee that the Council has had to convene to consider relevant objections to an application submitted for a sex establishment licence

### **15. Refusal of Licences**

- 15.1 Except where the Council is prohibited from granting, renewing, varying or transferring a licence, it will not refuse a licence without first;
- notifying the applicant or holder of the licence in writing of the reasons;

- giving the applicant or holder of the licence the opportunity of appearing and making representations before a hearing of the Committee .

15.2 The circumstances in which the Council must or may refuse a licence are shown in **Appendix F** of this document.

## **16. Appeals**

16.1 In all cases for the grant, renewal, variation or transfer of a sex establishment licence, applicants that are aggrieved by a decision of the Council relating to a refusal on mandatory issues are entitled to appeal to the Magistrates' Court. Appeals against refusals on discretionary grounds are not permissible unless they relate to the suitability of persons involved in the business. Under certain circumstances that are set out under paragraph 12(3)(c) or (d) of the Local Government (Miscellaneous Provisions) Act 1982 an applicant or objector can challenge a refusal of an application by way of seeking a judicial review of the Council's decision.

## **17. Revocation of Licences**

17.1 The Council may revoke a sex establishment licence;

- on any of the mandatory grounds specified in paragraph 1 of **Appendix F** of this policy document;
- on either of the discretionary grounds specified in paragraph 2(a) and (b) of **Appendix F** of this policy document.

17.2 The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a hearing of the Committee.

## **18. Cancellation of Licences**

18.1 The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

18.2 In the event of the death of a licence holder, the licence will be deemed to have been granted to their personal representative(s) and will remain in force for 3 months from the date of death, unless previously revoked.

18.3 Where the Council is satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period for which the licence remains in force.

## **19. Complaints**

19.1 Wherever possible and appropriate the Council will give early warning to licence holders of any concerns which have been identified at premises and of the need for any improvements to the way that the premises is operated. It is

hoped and expected that licence holders will actively participate in such dialogue.

## **20. Enforcement**

- 20.1 The Council is responsible for the administration and enforcement of the licensing regime and will carry out its regulatory functions in a fair, open and consistent manner.
- 20.2 Specifically, the Council is committed to:
- (a) be proportionate – to only intervene when necessary and when remedies will be appropriate to the risk posed;
  - (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
  - (c) be consistent – to implement rules and standards fairly;
  - (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
  - (e) target its regulatory action at cases in which action is needed.
- 20.3 The Council recognises and acknowledges the interests of residents, visitors and businesses and will actively work closely with its partners to assist licence holders to comply with the law and the conditions attached to their licence.
- 20.4 Appropriate, reasonable and proportionate enforcement action will be taken by the Council against those who commit serious offences or consistently break the law or breach the conditions of their licence.
- 20.5 The Council has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been adopted that explains how the Council will undertake its role and how the principles of effective enforcement will be achieved.
- 20.6 This policy is freely available from the Council, as are details of its corporate complaints procedures, both of which can also be viewed on the Council's website; [www.colchester.gov.uk](http://www.colchester.gov.uk) or further details can be provided by the Councils Customer Service Centre by e-mailing [EPS.Support@colchester.gov.uk](mailto:EPS.Support@colchester.gov.uk) or by phoning customer services on 01206 282222.

## **21. Human Rights**

- 21.1 When considering transitional applications or new applications, the Council will take into account rights that the applicant has under Article 1, Protocol 1 of the European Convention of Human Rights (peaceful enjoyment of possessions) and Article 10 (freedom of expression). The Council also acknowledges that 'freedom of expression' extends to the right to use particular premises as a sexual entertainment venue in line with the judgment in *Belfast City Council v Miss Behavin' Ltd* in 2007.

## **22. Updates to this policy document**

- 22.1 The Council may update this policy document with any changes that have been made by legislation or accompanying guidance, or to the Council's own terms and conditions. The policy will be reviewed as and when the Council considers it appropriate. If the Council considers that the changes are of significant importance to applicants or to other interested parties the Council will put those changes out to public consultation. Minor amendments to this policy document and associated procedures will be made at the Council's discretion and will not be subject to any public consultation or comment.

## Definitions

- The Act – refers to the Local Government (Miscellaneous Provisions) Act 1982
  - Authorised Officer - any Officer of the Council authorised under the Council's Scheme of Delegation as detailed within the Council's Constitution
  - The Council - refers to Colchester Borough Council
  - Licence Holder - a person or persons who holds a sex establishment licence under the Act
  - This Policy - refers to Colchester Borough Council's sex establishment policy
  - Premises - a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a sex establishment licence granted under the Act. It includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
  - Sex Establishment - as defined in section 2 of Schedule 3 of the Act
  - A Sex Establishment means a sexual entertainment venue, a sex shop or a sex cinema as defined below in extracts from the Act.
  - Sexual Entertainment Venue - as defined by Paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as inserted by Section 27 of the Policing & Crime Act 2009.
  - Relevant National Authority – in relation to England means the Secretary of State.
- (1) In this Schedule “**sexual entertainment venue**” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. (An audience can consist of just one person).

The organiser means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. While in most instances this is likely to refer to the manager of the premises, it could also mean a person who is responsible for organising the entertainment on behalf of persons responsible for the management of the premises. This will therefore mean that the organiser must be a person who is in a position of responsibility over the provision of the relevant entertainment and will not be interpreted as meaning

a member of staff employed to work during the provision of relevant entertainment).

(2) In this paragraph “**relevant entertainment**” means-

- (a) any live performance; or
- (b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether verbally or other means).

- Paragraph 2A(14) of Schedule 3 defines a “**display of nudity**” as being in the case of a woman, it means the exposure of her nipples, pubic area, genitals or anus and in the case of a man; it means exposure of his pubic area, genitals or anus.

However, a display of nudity included in for example a part of a theatre or drama performance, will not require a sex establishment licence unless it is being provided solely or principally for the purpose of sexually stimulating any member of the audience (whether verbally or other means).

(3) The following are not sexual entertainment venues for the purposes of this Schedule-

(a) sex cinemas and sex shops;

(b) premises which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being provided at that time-

(i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;

(ii) no such occasion has lasted for more than 24 hours; and

(iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

(c) premises specified or described in an order made by the relevant national authority.

- Spontaneous entertainment - Where activities take place at a premises that would ordinarily be considered as relevant entertainment but are not provided for financial gain of the organiser or entertainer such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not

be considered as a sexual entertainment venue by virtue of those circumstances alone.

- Sex Cinema as defined in Section 3 of Schedule 3 of the Act-

(1) In this Schedule, “**sex cinema**” means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which-

(a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage-

(i) sexual activity; or

(ii) acts of force or restraint which are associated with sexual activity; or

(b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.

(2) No premises shall be treated as a sex cinema by reason only-

(a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation; or

(b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

- Sex Shop as defined in Section 4 of Schedule 3 of the Act

(1) In this Schedule “**sex shop**” means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating-

(a) sex articles; or

(b) other things intended for use in connection with, or for the purpose of stimulating or encouraging-

(i) sexual activity; or

(ii) acts of force or restraint which are associated with sexual activity.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

(3) In this Schedule “**sex article**” means-



(a) anything made for use in connection with, or for the purpose of stimulating or encouraging-

(i) sexual activity; or

(ii) acts of force or restraint which are associated with sexual activity; and

(b) anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies-

(a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and

(b) to any recording of vision or sound, which-

(i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or

(ii) is concerned primarily with the portrayal of, or primarily deals with or relates to: genital organs, or urinary or excretory functions.

### Requirements for applying for grant, renewal, variation or transfer of a sex establishment licence

#### Grant of a licence

- 1) To apply for the grant of a sex establishment licence an applicant must: -
  - a) send the Council: -
    - i) a completed application form;
    - ii) a plan to the scale of 1:100 of the premises to which the application relates;
    - iii) an application fee
  - b) display a notice on or near the premises;
  - c) advertise the application in a local newspaper; and send a cutting of the newspaper to the Council
  - d) send a copy of the application and plan to the Chief Officer of Police, Essex Police, 10 Southway, Colchester, CO3 3BU within 7 days of making the application to the Council.

#### Plan requirements

- 2) The plan shall show:
  - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - b) the location of points of access to and egress from the premises;
  - c) the location of escape routes from the premises;
  - d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
  - e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
  - g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
  - h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
  - i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
  - j) the location of a kitchen, if any, on the premises.
- 3) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

#### Public notices

- 4) A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the

application was given to the Council, where it can be conveniently read from the exterior of the premises.

- 5) Where the premises frontage extends for more than 50 metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 6) The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 7) The notice must state: -
  - a) details of the application and activities that it is proposed will be carried on or from the premises,
  - b) the full name of the applicant,
  - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
  - d) the date, being 28 days after that on which the application is given to the council, by which representations may be made to the Council and that representations should be made in writing,
  - e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 8) A similar notice must be published in a newspaper circulating in the local area within 7 days of giving the application to the Council.

### **Variation of a licence**

- 9) The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on, or subject to which, the licence is held.
- 10) The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

### **Renewal of a licence**

- 11) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.
- 12) If all the details remain the same on renewal of the licence Application Form B can be submitted. If any matters have changed on renewal then the process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

### **Transfer of a licence**

13) A person may apply for transfer of a licence at any time.

14) The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

For details on how the Council intends to process applications, including those to which objections are made, please see Section 7 of this policy document entitled '**Applications**'.

**Example of Newspaper Advert and Site Notice**

**COLCHESTER BOROUGH COUNCIL**

**Sex Establishment Licence Application**

**Notice of application for the grant/renewal/variation/transfer (delete as applicable) of a sex establishment licence pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982**

TAKE NOTICE that on (date) (name of applicant(s) applied to Colchester Borough Council for the grant/renewal/transfer (delete as applicable) of a sex establishment licence

NAME AND ADDRESS OF PREMISES/LOCATION OF VEHICLE/VESSEL/STALL (delete as applicable):

(Please note that the precise address or location, sufficient to identify the location and extent of the premises, must be given)

DAYS AND HOURS OF OPERATION:

ACTIVITY; Sex Shop/sex cinema/ sexual encounter venue (delete as applicable)

INSPECTING THE APPLICATION: The application may be inspected at the offices of Colchester Borough Council, Angel Court, High Street, Colchester, CO1 1SP

OBJECTIONS; Any person wishing to support or object to this application should do so in writing to the Head of Environmental & Protective Services, Licensing Specialist Unit, Colchester Borough Council, 33 Sheepen Road, Colchester CO3 3WG or by email to [EPS.Support@colchester.gov.uk](mailto:EPS.Support@colchester.gov.uk) The grounds for objection must be stated in general terms and received by the Council by no later than (date – insert 28 days after the date of the application)\*)

Please note that any written representations received in response to this application may be required to be made available for public inspection in accordance with the Local Government (Access to Information) Act 1985.

Signed  
Name  
Organisation  
Address  
Date

**Please note that the notice must be placed in a newspaper circulating in the local area within 7 days of giving the application to the Council**

**Example of Certificate for Site Notice**

**FORM OF CERTIFICATE FOR SITE NOTICE**

**Notice of application for the grant/renewal/transfer/variation (delete as applicable) of a sexual establishment licence pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982**

To the Head of Environmental and Protective Services,  
Licensing Specialist Unit,  
Colchester Borough Council,  
33 Sheepen Road,  
Colchester CO3 3WG

I CERTIFY that on the Day of XXXX I displayed a site notice of which a true copy is attached and ensured that the notice continued to be displayed on or at the premises at:-

in a prominent position so that it could easily be read by passers-by, and ensured that the site notice remained in position for at least twenty one days.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

## **Refusals and revocations of licences**

### **Mandatory Grounds**

1. The council must refuse to grant or transfer a licence if the applicant: -
  - (a) is a person under the age of 18;
  - (b) is for the time being disqualified from holding a sex establishment licence;
  - (c) not a body corporate and has not been resident in the United Kingdom or was not so resident for 6 months immediately preceding the date of the application;
  - (d) is a body corporate which is not incorporated in the United Kingdom;
  - (e) has, in the period of 12 months immediately preceding the date of the application, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

### **Discretionary Grounds**

1. The Council may refuse-
  - (a) an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 2 below;
  - (b) an application for transfer of a licence on either or both of the grounds shown in paragraph 2 (a) and (b) below.
2. The grounds for refusal are-
  - (a) That the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
  - (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - (c) That the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time that the application is made is equal to or exceeds the number which the Council considers is appropriate for that locality;
  - (d) That the grant or renewal of the licence would be inappropriate having regard to:-
    - i. The character of the relevant locality;
    - ii. The use to which any premises in the vicinity are put; or
    - iii. The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
3. Nil may be an appropriate number for the purposes of paragraph (2) (c) above.

### Standard Conditions applicable to Licences for Sex Establishments

#### Notes

The Council may attach any of the conditions which are relevant to the sex establishment licence applied for.

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these conditions shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
- (iii) These conditions are divided as follows-
  - Part 1 General
  - Part 2 Conditions which apply to all premises
  - Part 3 Conditions which apply to sex shops
  - Part 4 Conditions which apply to sex cinemas
  - Part 5 Conditions which apply to sexual entertainment venues
- (iv) In these rules all references to the British Standard (BS) shall be deemed to refer to the current standard.
- (v) A premises licence may also be required for the operation of a sex cinema

#### Part 1 General

1. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
2. The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any enactment, by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

#### Part 2 Conditions which apply to all premises

##### Exhibition of Licence

1. The copy of the licence and these Regulations which are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the licence



required to be displayed as aforesaid shall be suitably framed and exhibited in a position that it can easily be seen by all persons using the premises. The copy of these Regulations shall be retained in a clean and legible condition.

### **Responsibility of Licensee**

2. The licensee shall take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.
3. The premises shall not be used for regulated entertainment, exhibition or display of any kind unless the Council's consent has been first obtained and any necessary licence granted.

### **Conduct and Management of the Premises**

4. The licensee, or a responsible person over 18 years of age and nominated by him in writing for the purpose of managing the sex establishment in his absence, shall be in charge of and upon the premises during the whole time it is open to the public. Such written nomination shall be continuously available for inspection by an officer authorised in writing by the Council. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge shall be conversant with these rules, a copy of which shall be held on the premises.
5. The licensee, or the responsible person approved under Regulation 4, shall maintain a daily register to be kept on the premises in which he shall record the name and address of any person who is to be responsible for managing the sex establishment in his absence and the names and addresses of those employed in the sex establishment. The register to be completed each day within 30 minutes of the sex establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
6. The Licensee shall ensure that, during the hours the sex establishment is open for business, every employee wears a badge of a type to be approved by the Council bearing a photograph of the employee and indicating his name and that he is an employee.
7. A notice showing the name of the person responsible for the management of a sex establishment shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.
8. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect

of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.

9. The licensee shall ensure that no part of the premises is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purpose.
10. The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
11. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
12. No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

### **External Appearance**

13. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises except;
  - (i) any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence granted by the Council.
  - (ii) Such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
14. The entrances, windows and openings to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.

### **State, Condition and layout of the premises**

15. The premises shall be maintained in good repair and condition.
16. The number, size and position of the doors or openings provided for the purposes of the ingress and egress of the public shall be to the satisfaction of the Council and shall comply with the following requirements :-
  - (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
  - (ii) Doors and opening other than exits which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "private".

- (iii) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency
17. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order. The external door shall only be opened at such times as person(s) require access and egress to the interior of the premises.
  18. The licensee shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled.
  19. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
  20. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

### **Maintenance of the means of Escape**

21. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.
22. All fire resisting and smoke stop doors shall be maintained self closing and shall not be secured open.

### **Fire Appliances**

23. The premises shall be provided with fire appliances suitable to the fire risks on the premises, and such fire appliances shall be maintained in proper working order and shall be available for instant use.
24. The licensee shall comply with any fire precautions and safety measures that may be required of him by the Fire Authority.
25. Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti-freeze agent shall be examined and recharged in compliance with the manufacturer's instructions.

### **Lighting**

26. The licensee or any other person concerned in the conduct or management of the licensed sex establishment shall, in the absence of adequate daylight, ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which the public and staff have access and is in

operation continuously during the whole time the premises are open to the public.

27. The normal lighting levels and the lighting to 'EXIT' notices shall be maintained at all times and shall not in any circumstances be extinguished or dimmed while the public are on the premises provided that, so long as there is sufficient daylight in any part of the premises, artificial light need not be used in any part.

### **Electrical Installations**

28. The electrical installation for the premises shall be maintained in a safe working condition, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.
29. Unless the Council decides otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

### **Change of Use**

30. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council and the Police has been obtained.
31. The Licensing Authority and Essex Police must be informed should the licensee seek to change the use of the establishment to another form of sex establishment.

### **Sale of goods**

32. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.

### **Admission of Authorised Officers**

33. Officers of the Council, Police, and other authorised agencies who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

## **Part 3 Conditions which apply to Sex Shops**

1. It is permitted to play music or words either via national or local radio stations or any pre-recorded means, but no material whatsoever of an adult theme or nature can be played or broadcast, whether by means of sound or moving picture.

### **Goods available in Sex Establishments**

2. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show persons who are inside the sex shop the respective prices being charged.
3. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the sex establishment.
4. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Censors, and bears a certificate to that effect, or approved by the Council and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

## **Part 4 Conditions which apply to Sex Cinemas**

### **Film Categories**

1. The categories U, PG, 12, 15, 18 and RESTRICTED 18 have the following effect:

|                 |   |
|-----------------|---|
| U               | Universal – Suitable for all  |
| PG              | Parental Guidance. Some scenes may be unsuitable for young children.                                    |
| 12              | Passed only for persons of 12 years and over.   |
| 15              | Passed only for persons of 15 years and over.   |
| 18              | Passed only for persons of 18 years or over   |
| RESTRICTED (18) | Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club. |

### **Exhibition of Films**

2. 'Film exhibition' means film exhibitions as defined in the Cinemas Act 1985, i.e. any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of (a) television programmes, broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or (b) programmes included in a cable programme service which is or does not require to be licensed under Section 4 of the Cable and Broadcasting Act 1984.

3. No film shall be exhibited at the premises unless:
  - (a) it is a current news reel; or
  - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18, or RESTRICTED (18) film
  - (c) it has been passed by the Council as a U, PG, 12, 15, 18, or RESTRICTED (18) film.

### **Restricted (18) films**

4. Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

### **Unclassified Films**

5. Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified above. Such a film may only be exhibited if the Council's written consent has been obtained and in accordance with the terms of any such consent.

### **"Persons under 18" Notice**

6. No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at the entrance to the premises a notice in clear letters in the following terms:

PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME

### **Category Notices**

7. A representation or written statement of the terms of any certificates given by the British Board of Film Censors or the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in a form large enough for it to be read from any seat in the auditorium.

### **Timetable of Films**

8. The licensee shall display in a conspicuous position, to the satisfaction of the Council, at each entrance to the premises, during the whole time the public are being admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

### **Advertisements**

9. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Censors or the British Board of Film Classification or approved for exhibition by the licensing authority, as the case may be.
10. Where the licensing authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground that, if displayed, it would offend against good taste or decency or be likely to encourage or incite crime or lead to disorder or be offensive to public feeling, that advertisement shall not be displayed at the premises without the prior consent in writing of the licensing authority.

### **Objection to exhibition of film**

11. Where the licensing authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains material which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the prior consent in writing of the licensing authority.

### **Additional conditions for 'Club' cinemas showing films in the restricted classification**

12. (i) No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.

(ii) When the programme includes a film in the 'restricted 18, category the licensee shall display in a conspicuous position at the entrance to the premises a notice in clear letters in the following terms:

**"CINEMA CLUB – MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME"**

(In the case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the 'restricted 18' category are being exhibited).

(iii) The timetable of films required by rule 52 shall include the following addition to the categories shown;

**"Category RESTRICTED 18" passed only for persons of 18 years and over who are either members of the cinema club or who are guests of a member".**

(iv) All registers of members and their guests shall be available for immediate inspection by the Council's officers during any performance, or at any other reasonable time.

(v) Tickets shall in no circumstances be sold to persons other than members.

(vi) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(vii) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(viii) Membership rules for these club cinemas shall include the following –

- (a) The club rules must be submitted to the Council 4 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in a restricted classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made thereunder.



- (i) Tickets shall be sold only to members on the production of a membership card and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership had been refused. The proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identity, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

### **Sale of Sex Article**

13. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'sex cinema'.

## **Part 5 Conditions which apply to Sexual Entertainment Venues**

### **Performances of Relevant Entertainment**

1. The performance of relevant entertainment within the premises shall not be visible from any area outside of the premises at any time.

### **Age Restrictions**

2. A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.
3. Members of staff at the premises shall seek "credible photographic proof of evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

## **Club Rules**

4. The premises must provide a copy of its Club Rules to the Council and to Essex Police for consideration and approval.
5. All performers and staff shall be aware of the Club Rules.
6. All dancers, staff and door supervisors shall read a copy of the rules relating to operating relevant entertainment. They shall sign and date a copy which shall be retained by the premises as part of their due diligence.

## **Management Operation Manual**

7. A management operation manual detailing all aspects of procedure when the premises are operating relevant entertainment shall be produced and approved by the Council. This document shall reviewed annually and the manual as reviewed shall be submitted for approval of the Council together with the application for renewal of the licence.

## **Performers**

8. Performers shall be aged not less than 18 years and the "Challenge 25" scheme will be used to manage this.
9. All performers shall be aware of the management operation manual.
10. A log book shall be maintained on the premises detailing the names and start and finish times of individual performers involved in all forms of adult entertainment.
11. At all times during the performance, performers shall have direct access to a dressing room without passing through, or in close proximity to, the audience.
12. On leaving the premises performers, who wish to be, shall be escorted by staff member to their vehicle or other safe location.

## **Performances**

13. Whilst dancers are performing in any public area there shall be a minimum distance of one metre maintained between the dancer and the seated customers. Prominent, clear notices shall be displayed at each table stating this requirement.
14. There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance. A touch and go policy will operate i.e. any person/customer touching dancers will be ejected from the premises and barred from those premises.

15. No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.
16. No audience participation shall be permitted.
17. Signs displaying the rules on the performance of relevant entertainment will be displayed throughout the premises and be clearly visible to patrons. This will include any private individual booth area.
18. In the event of the relevant entertainment being performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment, and the details shall be specified in a clearly visible notice in each area designated for private relevant entertainment. Each such area shall be capable of being continually monitored by a member of staff.
19. No performer or member of staff shall sit on, straddle, stroke, fondle or make any form of sexual contact with a customer at any time.

### **Door Supervisors**

20. One SIA registered door supervisor per 75 customers shall be on duty on the premises whilst relevant entertainment takes place plus there shall be at least one door supervisor on each entrance in each separate part of the premises and on the door to the dressing room.
21. The door supervisors shall be on duty at the premises at all times when the premises provide relevant entertainment.
22. The premises shall be a member of the Pub/Townlink Radio scheme.

### **Closed Circuit Television (CCTV)**

23. A high quality CCTV system shall be installed to cover all entrances and exits to the premises and areas where relevant entertainment will take place, with the exception of the performers' changing area. This system must be installed and fully operational before the premises opens for the licensable activity applied for. All cameras shall continually record whilst the premises are open to the public and video recording shall be kept available for a minimum of 31 consecutive days with date and time stamping.
24. At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Police guidelines for Standard Minimum closed circuit television requirements. To obtain a clear head and shoulders image of every person entering the premises on the CCTV System, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
25. A member of staff who is fully trained in the use of the system shall be on duty at all times when the premises are open until the premises are clear of customers, cleared of staff and closed.

26. Within 24 hours of a request made by Essex Police or the Licensing Authority, the premises will provide the CCTV footage requested.

### **Crime Survey**

27. Upon completion of a crime survey by Essex Police, the licence holder shall act accordingly with all recommendations of the survey in so far as they relate to licensable activities,

### **Layout of premises**

28. The approved activities shall take place only in the areas designated by the Licensing Authority.
29. All dance booths are to be equipped with a panic alarm for safety.
30. Arrangements shall be put in place to restrict access to the dressing room at all times when the relevant entertainment is taking place, and until such time as all performers have vacated it. The performers' dressing rooms will be off-limits to all non-employees.
31. The layout within the areas used by customers shall not undergo substantial change without the prior written consent of the Licensing Authority.

### **Sale of goods**

32. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'Sexual Entertainment Venue'.

### **Door Policy**

33. No entry to be permitted to any customer who is considered by the management or door staff to be incapable of controlled or acceptable behaviour, especially those who may be showing sign of having been intoxicated through alcohol or drugs.
34. All customers will be explained the rules for the venue before entry is permitted.
35. One member of door staff will be present at the entrance to the venue at all times during opening hours.
36. Door staff will carry two-way radios at all times.
37. Dress code will be smart at all times; no sports wear will be permitted.

## **Operation of the Venue**

38. A copy of the house customer rules will be on display at the entrance to the venue and in the bar area.
39. Waitresses/Waiters and bar staff must remain fully clothed at all times.

## **Supervision of Performers**

40. Proof of citizenship or working permits must be provided.
41. No working auditions will be permitted; a cooling off period of three days is enforced at all times.
42. All performers and staff must complete an emergency contact form before working within the venue.
43. Performers must sign a 'contract' before working stating that they have read, understood and will abide by the performer rules and rules of the house while working in the venue.
44. A member of staff will be in the private dance area at all times whilst private dances are taking place.
45. No dances will be permitted without supervision from a member of staff.
46. Performers must be provided with a full briefing on the Club rules.

## **Customer and Performer Conduct**

There should be published rules on customer conduct and performer conduct and the rules should contain as a minimum the following requirements, and the licensee shall ensure that the rules are enforced.

47. Any customer who is offensive either by language or action towards the performer will be ejected from the venue. They will also be barred from entry on any future occasion.
48. Strictly no photographing or videoing of performances or performers before, during or after the performance will be allowed. All customers' mobile phones will be switched off whilst on the premises. Anyone found breaching this condition will be ejected from the venue and barred from entry on any future occasion.
49. Any customer found in possession of drugs, attempting to consume drugs or selling drugs will be detained by the security staff and the Police will be called. They will also be barred from entry on any future occasion.

50. Throwing of money at performers will not be permitted before, during or after the performance, nor will the giving of any other gift. Anyone breaching this condition will be ejected from the venue and barred from entry on any future occasion.
51. Customers will not be allowed to pass on personal details such as business cards or telephone numbers to performers before, during or after a performance.
52. Payment must be made to the performer only and strictly in advance of the performance taking place.

### **Performer Conduct**

53. No performer will be allowed to carry or use any sex toy, sex aid or other paraphernalia.
54. No performer will be allowed to wear bondage or sadomasochist clothing or paraphernalia. No accessories such as sex toys or aids are to be carried or used by the performers.
55. No handing out of cards, telephone numbers or personal contact information to customers or any other persons by performers.
56. Performers must not encourage customers to touch them in any way before, during or after a performance.
57. Performers found in possession, using or attempting to sell drugs or even under the influence of drugs before, during or after a performance will be immediately dismissed and the Police notified.
58. Performers will instruct all customers to keep their hands by their sides at all times during a private dance.
59. Any approach by a customer to make personal contact with a performer must be immediately reported to the management or security.
60. Performers will not be permitted to enter any part of the venue other than the private dance area and dressing room areas while fully nude.

27 November 2013

|                       |                                  |               |   |
|-----------------------|----------------------------------|---------------|---|
| <b>Report of</b>      | <b>Head of Customer Services</b> | <b>Author</b> | <b>Sara Wilcock &amp;<br/>Leonie Rathbone</b><br>☎ 508807 |
| <b>Title</b>          | <b>Local Council Tax Support</b> |               |   |
| <b>Wards affected</b> | All wards                        |               |   |

**This report requests Cabinet to recommend to Council the continuation of the current Local Council Tax Support scheme into 2014/15**

**1. Decision(s) Required**

- 1.1 To agree and recommend to Council the continuation of the existing Local Council Tax Support scheme, without fundamental amendment, into the second year 2014/15.

**2. Reasons for Decision(s)**

- 2.1 Colchester Borough Council implemented a Local Council Tax Support scheme (effective from 1<sup>st</sup> April 2013) which was agreed by Full Council on the 6<sup>th</sup> December 2012.

Legislation requires that amendments to the scheme for 2014/15 need to be agreed by Full Council before 31<sup>st</sup> January 2014.

Agreement and recommendation is needed to limit the changes to the Local Council Tax Support scheme for 2014/15 to bring the scheme in line with national legislative amendments and to agree and recommend the scheme remain otherwise unaltered.

**3. Alternative Options**

- 3.1 To alter the scheme for 2014/15 by increasing the minimum Council Tax contribution from 20% to 35% for working age claimants.

- 3.2 The alternative option of increasing the minimum contribution would not be recommended, taking account of the following considerations:

- There is no requirement to reduce further the level of Local Council Tax Support spend.
- Public consultation asked for specific comments on increasing the minimum Council Tax contribution from 20% to 35% for working age claimants. Responders to this question indicated they would be 'dissatisfied' (17%) or 'very dissatisfied' (67%) if such a change was introduced. Further information is detailed in section 7.
- By maintaining the current scheme this allows for a period of stability for customers, many of whom are affected by other Welfare Reforms.

- Maintaining the current scheme also allows us to consider effectively the impact Local Council Tax Support has on the Collection Fund. Based on data April 13 to 30<sup>th</sup> September 13 our collection rate is 57.4%, against 57.8% for the same period last year. Whilst acknowledging that this is a decrease, it is an improvement on predicted collection rates and within accepted tolerances.

#### 4. Supporting Information

4.1 Local Council Tax Support currently helps 12,000 residents reduce their Council Tax bill - 5,000 pension age and 7,000 working age residents. The value of Local Council Tax Support granted currently is around £9.3 million.

4.2 All working age recipients of Local Council Tax Support have to pay a minimum contribution of 20% towards their Council Tax bill. This means we are collecting Council Tax from around 7,000 residents whom previously have not made payment, or are required to make an increased payment, in respect of their Council Tax bill. National regulations still require local schemes to ‘protect’ those residents of pension age from any reduction to their level of support as a result of the localisation of the scheme.

A summary of the key scheme points are outlined below:

|   |
|---|
| • Back to Work Bonus – additional 4 weeks support for those who find work |
| • Award based on 80% of Council Tax liability                             |
| • £6000 capital /savings limit  |
| • Second adult rebate claims ended on 1 April 13                          |
| • Flat rate £10 non-dependent deduction                                   |
| • Include child maintenance as income (child & spousal)                   |
| • Include Child Benefit as income   |
| • £25 flat rate earnings disregard  |

#### 5. Proposals

5.1 It is proposed that:-

- Cabinet recommend to Council that the Local Council Tax Support Scheme as set out within this report and detailed within the Policy document is agreed for 2014/15 (see Appendix A).

#### 6. Strategic Plan References

6.1 The Council’s Strategic Plan sets out several priorities including an efficient benefits service and supporting more vulnerable groups.

6.2 Precepting authorities contributed an additional £122,000 to assist with the collection of Council Tax, recognising the additional number of residents we had to collect from and the potential difficulties we would experience collecting from residents who have either not previously paid Council Tax or who are paying an increased amount.

This additional money has helped fund the creation of the Customer Support Team, who work proactively providing a range of services including flexible payment plans, debt and back to work advice as well as administering the Exceptional Hardship fund. The work of this team helps to protect the interests of our more vulnerable residents whilst focusing on the maintenance of collection.



## **7. Consultation**

- 7.1 The Local Government Finance Act 2012 sets out that Billing Authorities have to hold a public consultation on any potential changes to their existing Local Council Tax Support scheme. To comply with this and to understand the impact on residents of the existing scheme a 6 week consultation period commenced on the 19<sup>th</sup> August 13 and ended on the 30<sup>th</sup> September 2013.
- 7.2 A range of initiatives were undertaken to promote the consultation across Colchester. This included writing to 7000 current working age recipients of Local Council Tax Support, and publicity by way of Press Releases and information highlighted on our website.
- 7.3 At the time of consultation it was anticipated that potential funding pressures could be imposed on the Local Council Tax Support scheme for 2014/15 therefore the consultation addressed specific issues of reduced entitlement together with inviting feedback on the wider scheme.
- 7.4 Responses to the consultation are set out in Appendix A
- 7.5 The single parent charity Gingerbread has written to the Colchester Borough Council Chief Executive, Leaders of political groups, and a local MP, requesting we reconsider our decision to include Child Maintenance as an income in respect of single parents within our LCTS calculation. Any scheme changes are required to have undergone a public consultation and we will consult specifically on this issue next year to inform the scheme for 15/16.”
- 7.6 Additional discretionary funds are available for customers who are experiencing ‘exceptional’ difficulty in meeting additional costs arising from the Welfare Reforms. These include Discretionary Housing Payments to help with Housing costs as well as a small Exceptional Hardship Fund to assist Local Council Tax Support recipients who now have to make a contribution towards their Council Tax bill. This support is identified and provided by the Customer Support Team.

## **8. Publicity Considerations**

- 8.1 A co-ordinated communications approach was adopted by Essex authorities for the implementation of Local Council Tax Support. We continue to provide information on our website and will publicise information with our annual Council Tax bills.

## **9. Financial implications**

- 9.1 The proposals set out within this report are intended to deliver a scheme for 14/15 which is in line with the cost neutral ethos adopted and agreed by precepting authorities last year.
- 9.2 The LCTS scheme is based on a Council Tax discount, which results in a reduction in the amount of Council Tax due. The methodology for reflecting the cost of this is to show it as a reduction in the Council Tax base (the number of equivalent Band D properties). This means that the amount of Council Tax due is reduced by the amount of Council Tax Support provided. On the basis of a cost neutral scheme this reduction should equal the level of Government grant provided.

9.3 In 2013/14 the Government gave us specific funding for LCTS. This will no longer be separately identified from 2014/15, but will be part of our overall settlement figure. This overall figure, termed the 'Start Up Funding Assessment' is expected to reduce by 14% based on initial figures provided. Therefore, although the Government has said previously that LCTS funding will be unchanged, as the overall funding is reducing by 14% we have to assume the same level of reduction for LCTS. This has been taken account of in the 2014/15 budget.

9.4 According to collection rates as at quarter 2, collection is better than anticipated, and the total cost of the scheme is below that originally estimated. This is therefore likely to provide some mitigation to the cost pressure resulting from reduced funding and means that at this stage we believe an unchanged scheme could remain broadly cost neutral.

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

10.1 An updated draft Equality Impact assessment (EQIA) has been carried out, and is available on the Council's website, or click [here](#).

## **11. Community Safety Implications**

11.1 The proposals contain provision for dealing with welfare concerns of residents, particularly vulnerable people. It is intended to limit hardship to avoid giving rise to crime and disorder.

## **12. Health and Safety Implications**

12.1 There are no health and safety implications.

## **13. Risk Management Implications**

13.1 Fundamental changes to the current criteria could potentially affect the collection fund position. Quarter two collection data is providing encouraging analysis on the impacts of Local Council Tax Support on the collection fund but at this stage it remains indicative. Keeping the scheme broadly the same for 2014/15 will allow for further impact analysis on the collection fund over the course of a financial year and mitigate potential risk.

13.2 Alternative scheme options wider than the original consultation framework would need a further period of consultation. Changing the scheme criteria without further consultation would render the scheme invalid and leave us open to challenge regarding the legality of the scheme.

## **Appendix A– Consultation responses**

### **Background Papers**

Please click [here](#) to see the draft 14/15 Local Council Tax Support policy document

**Appendix A**

**Local Council Tax Support Consultation 2013**

|    |  |                            |                         |   |                     |                          |  |  |  |
|----|--|----------------------------|-------------------------|---|---------------------|--------------------------|--|--|--|
|    | Total number of respondents who accessed the consultation survey 300<br>Maximum total of responses 164   |                            |                         |   |                     |                          |  |  |  |
| Q1 | Are you currently claiming Local Council Tax Support?  | <b>Yes</b><br>147<br>(90%) | <b>No</b><br>13<br>(8%) | <b>Not sure</b><br>4<br>(2%)              |                     |                          |  |  |  |
|    |  | <b>Very satisfied</b>      | <b>Satisfied</b>        | <b>Neither satisfied nor dissatisfied</b> | <b>Dissatisfied</b> | <b>Very dissatisfied</b> |  |  |  |
| Q2 | How satisfied were you with the new rules that were put in place for Council Tax Support this year, whereby at least 20% of council tax is due to be paid by all working age people?     | 13<br>(8%)                 | 27<br>(17%)             | 21<br>(13%)                               | 44<br>(28%)         | 53<br>(34%)              |  |  |  |
|    |  | <b>Total responses</b>     |                         |   |                     |                          |  |  |  |
| Q3 | What impact has this year's increase to 20% had on you or your family?   | 132                        |                         |   |                     |                          |  |  |  |
|    |  | <b>Very satisfied</b>      | <b>Satisfied</b>        | <b>Neither satisfied nor dissatisfied</b> | <b>Dissatisfied</b> | <b>Very dissatisfied</b> |  |  |  |
| Q4 | If the threshold for payment was increased to an amount up to 35%, whereby all working age people had to contribute up to at least 35% of their council tax, how satisfied would you be? | 4<br>(3%)                  | 7<br>(4%)               | 15<br>(10%)                               | 26<br>(17%)         | 105<br>(67%)             |  |  |  |
|    |  | <b>Total responses</b>     |                         |   |                     |                          |  |  |  |
| Q5 | What would the impact be to you if the contribution was to increase above 20%?   | 130                        |                         |   |                     |                          |  |  |  |
|    |  |                            |                         |   |                     |                          |  |  |  |

|    |   | Strongly agree  | Slightly agree | Neither agree nor disagree | Slightly disagree | Strongly disagree |
|----|---|-----------------|----------------|----------------------------|-------------------|-------------------|
| Q6 | If the contribution did increase above 20% for those able to work, to what extent do you agree those who are unable to work should still only pay 20% | 56<br>(36%)     | 20<br>(13%)    | 26<br>(17%)                | 13<br>(8%)        | 41<br>(26%)       |
|    |   |                 |                |                            |                   |                   |
|    |   | Total responses |                |                            |                   |                   |
| Q7 | Please give any other relevant comments below   | 89              |                |                            |                   |                   |

### Responses to Q3

#### What impact has this year's increase to 20% had on you or your family?

1. tough but you just get on with it
2. alot finding it hard to pay it. and i was £7 in debt and u lot send letters saying bout taking me to court. i think its unfair.... might not sound alot £3.50 a week but it is..
3. bills keep going up but benefits do not go up
4. I have had to pay more money but I have managed. Any more to pay will be a struggle.
5. Less money
6. we had a reduction of over 60% of LCTS already. I didn't understand why there was such a big drop in the amount of money from the old scheme to the new one. reducing it more will mean a real struggle for my family.
7. about £20 a month less to live on. I understand the need to reduce costs but I am single, unable to work as I am disabled & on very limited income made up of only benefits. To lose £5 a week just like that is not good, especially with food, gas & electric prices rising so fast.
8. i am on E S A which means i am on a low income and is finding it very hard to pay the council tax. which means i have to miss other bills or go without food.
9. because i'm on benefits i am losing £26 per week to council tax and rent. that is enough to pay my gas, electricity and water bills.

10. During a recession at the bottom end of the financial ladder it's another expense piled on top of the others that is already a struggle to pay. When you have a below the poverty line budget to live on it seems like a punishment.
11. I am struggling to survive on benefit as it is already and under alot of stress but council tax has put alot of pressure on me further and depressed as I feel unable to provide for my child even more now than before
12. Having been previously exempted from Council Tax due to being on middle-rate care DLA, this has had a huge impact on the amount of care I can afford.
13. I already had trouble making ends meet due to low income and high living costs, the change to making me pay 20% WHICH NOT ALL COUNCILS ARE DOING, is making it even harder and I am often having to use credit cards to pay my bills which is not sustainable.
14. More to pay out of benefit received
15. it will decrease money which I could spend on food. right know there isn't enough, then it will be more complicated
16. Suddenly, me and my family have had to scrimp a relatively large amount of money that would, instead, be spent on other essentials - let alone improving our day to day living. It means, for example, choosing between 'value' food items and those that are healthier. Or being able to afford public transport, fuel a car, or even maintain a working bicycle.
17. Financial it is now VERY hard.  
An obvious increase in money going out when you are a single parent through no fault of your own on benefits is not appealing but I feel morally better knowing that I am contributing towards services that I use and may well need to use. A small amount of money every month can be easily accounted for than paying huge sums that I used to pay previously. So I commend you trying to keep the percentage paid down. I do hope that this scheme does continue as it is. Thank you also for the opportunity to voice our opinions. Just they are as positive as mine!
18. Having to suddenly find this extra money was very hard, we had not expected to have to pay so it was difficult to find other areas to cut back on. Our daughter is autistic and DLA is paid to help with the everyday living expenses,so we have to use some of this money to pay the council tax.
19. It has made an impact but I have managed to readjust my budgeting to cover it.
20. I have to budget more carefully.
22. It has driven me further below the poverty line
23. Put me into debt with energy suppliers
24. It's making me ill trying to find the money and depressed

25. I was finding it hard be for now finding even harder. With food, water, tv lice Gas and electric all going up on top off rent and council tax. I damaged my spine though working and out of my ESA I have to buy stuff to help with pain. I don't get DLA. people on DLA get all the help
26. it hasn't had a major impact to me or my children
27. finances tight less money to spare
28. I have less money too live on.
29. I have had to cut back on needed items.But agree that all people should pay if only a small ammount.
30. as a single mum its hit us hard .
31. I don't work and am too sick to work, but thanks to all the pressure put on me by the new changes to incapacity benefit I had a breakdown and am now supported by my parents as I could not cope with having constant assessments, so I cannot afford to pay extra council tax.
32. A LOT
33. more financial stress
34. Had to be able to find the additional 14£ a month - when already on a tight budget whilst claiming ESA benefit
35. I have been severely disabled and suffering from several serious life threatening chronic illnesses since 2005, and as a result I am unable to work to earn a living.
36. I have many additional repetitive costs to bear due to my disabilities and chronic illnesses, and have found it very difficult to manage financially, especially over the last year where I have been in the position of having no choice but to either go without eating or heating during the cold months.
37. I have had to decrease my outgoings for household energy and water consumption. The greatest impact will be felt throughout the winter months as I am severely disabled.
38. I think £18 a month which I pay is a reasonable amount to be asked to contribute towards council tax it hasn't really affected us
39. The increase has had a bad impact on me as I now have to find money from my other benefits to pay it leaving me struggling to pay my rent and to pay my other bills.
40. New Claimant.
41. Extra money that we have had to find

41. not applicable but will increase when I/if return to and It is likely to cause me problems as my debts incurred whilts off work due to injury will increase as i WILL BE IN A POOR POSITION TO REPAY DEBTS
42. there was no increase in my family
43. i have had great difficulty paying my assessment for Council Tax this year, although this has been ameliorated by subsequent concessions. I am liable although a Housing Benefit claimant to pay a proportion of my rent and it was causing us hardship to pay this and Council tax. I have received a Discretionary Housing Payment until January. I am still paying more than 20% of my Council Tax bill as unamended.
44. I'm not directly affected.
45. it is more than we paid last year but agree we should pay 20% even though we struggle on our benefits
46. All my benefits were cut by one third and I cannot manage on the amount I receive. I have gained weight because I have to eat cheaper high calorie foods so any other cut would mean I would have further problems. Most of my clothes come from charity shops too.  
My 120% Council Tax increase has had a big impact on my standard of living.
47. I am disabled and unable to work more hours to make up for the increase.
48. This is having an extremely adverse effect on my financial situation, because I am unemployed, and as a result it is effecting all other debts.
49. a little tighter on budget especially as all shopping and general bills have increased
50. I am on ESA and live alone but have four children living in Ashford Kent with their mother but when they want to visit me I don't have the money to feed them so paying this proportion to the rates I accept I have to contribute but it takes money away from me that would feed them when they visit. so visits are restricted now which I'm not happy with.
51. We now need to find extra money that we do not have. Together with the extra mortgage money we now have to find as well it puts an enormous amount of pressure on my wife and myself.
52. I understand why this has been done, however, I have had to resort to buying mostly reduced price short dated or poor quality food to make ends meet. I already have to choose between eating and heating in winter
53. It has a significant impact on my disposable income and I feel it is a benefit reduction by the back door. My ESA is set at a level that was supposed to be what I need in order to live, and it has been significantly reduced due to the Council Tax change. It is particularly unfair that pensioners, many of whom have far more disposable income than I have, do not have to pay any council tax, and yet I do.
54. I have had to go literally to the last resort in cost cutting by going without meals. The £17 I pay now used to feed me for 2 weeks.

55. It is yet another "cut" to benefits/entitlements for those who are most vulnerable and means that there is less money available for essential necessities like food.
56. this is a new bill with no extra money coming in to pay it so food or other less important bills(no government that do not have the power to send a person to prison) have to go unpaid!for people on jobseekers /esa or disability it is criminal! and can /is causing great suffering totally unfair and unjust a further simble of how WICKED the country has become back under Tory Rule!!....
57. As I am on JSA & therefore have a very limited income the £15 a month is a big problem for me, it is hard enough to live on such low money without an extra bill
58. I am able to afford it at the moment.
59. I am longterm sick and on benefits, it has been extremely hard to cover this additional cost this year, especially with prices of food, electricity going through the roof over the last few years, I don't know how I will manage once the winter kicks in and th majority of my cash goes towards keeping warm.. If a local Council cannot find a way to find the cash to cover it's expenses, by re-budgeting or re-allocation, then how on earth is somebody on benefits supposed to do it ? I ak this not only as a benefit recipient, but as somebody who worked in Accountancy for over 20 years, so finnanace & budgeting is an area I am very familiar with. It is a national disgrace that this legislation was allowed to pass in the first place.
60. My council tax more than doubled so it has a big impact and I am struggling to keep up with it.
61. I am a single mother of four children aged 8 months, 3 and 6 and 9. The extra council tax I now have to pay meand I cant afford to buy school uniform anf other essentials for them.
62. i am on jsa and the goverment says i need £71 a week to live on now out of this i have to pay £15 a month council tax this may not seem a lot but it has made quite a differance.
63. Less to spend on food.Unable to follow medical diet.
64. I have very little disposable income. This year's increase has meant less money for food when my budget is already very tight. It has not helped that the cost of food has risen well above the official inflation figure. I cannot afford to eat healthily now.
65. Dont know if I'll be able to heat my house this winter shall probably suffer More ill health both mentally & obviously physically. Terrified can't make all payments end up paying extortionate court costs & jumped up charges which YOUR BAILIFFS Jacobs tried to inflict on me last time - only changed when told them vulnerable & I wanted a breakdown of their charges, when they probably realised I knew they were ILLEGAL (have documentary proof of this)



- I am the partner of a student, but I do not have income of my own, so whereby normally students would be exempt from paying council tax, my student partner now actually has to use her loan to pay my council tax bill, which seems really unfair to me. She has had to sacrifice buying her student books to pay for the bill. I could understand me having to pay the bill if I had income of my own, but we are having to share her student loans which are only meant to be for her and her studies really. She is not entitled to any extra money for me so we are really having to stretch this money only meant for one.
66. my income is now 71.01 per week and i still have to pay 20 per cent, when it first came in I was getting 98.00 and could just manage it but I dont know how it will be if it goes up any more.
67. Living on ESA & DLA, can't understand why I'm having to pay???
68. I struggled to get through each month when I paid nothing. I pay the £27.00 each month but it's hard to juggle as money coming in has not increased by that much. I think it's a good idea that everyone pays, but 20% for someone unable to work due to illness/disability is very high.
69. It is a challenge to fit the extra payment into a benefits based budget, especially with finances being squeezed in all directions from shopping budgets to electricity costs. If I was working I would be happy to pay the full amount but benefits are simply not sufficient for this. It is also stupid that I am given money with one hand while the other hand is held out to take some of it back. The whole system is inefficient and makes little sense. Creative budgeting is needed by government and local authorities rather than taking more from the people who can ill afford it. If services get cut even more then so be it.
70. Can no longer afford any luxuries also been hit by bedroom tax, 30th March the law stated I needed all my ESA to live on but in April I apparently can manage on £20 less a week. The second bedroom is tiny, I'm already in fuel poverty and shall have a cold house this winter, a situation which will exacerbate my depression and osteo-arthritis. So ultimately the introduction of this new law has detrimentally affected my pre-existing conditions. When working full time last decade I was paying more Council Tax as a single person on less than £13,000 pa than a couple on £48,000 pa in Lewisham, why such a disparity?
71. It has cost us a further £5 per week (10% of my current self employed income), thus £20 - £25 per month more hence approx £260 per annum more and makes things even more difficult for us week to week
72. As I have no income , either via benefits or other means, I solely rely on my retired mother to pay the current 20% that LCTS dictates I must pay! I am unable to work due to illness but am not considered for other benefits within the DWP schemes.
73. I am satisfied as in it is not a huge percentage to pay and at the same time it is only fair that something is paid by each household.
74. We have less money to pay our other bills including food
75. I have less money to live on as I receive ESA and DLA. I have had to cut back on spending and have a tighter budget
76. With the general increase in the total cost of living the extra I now have to pay in council tax, it really hurt my finances and if it hadn't been for family assistance this year I would not have been able to pay the £146+ tax bill
- 77.

- I have to find £15 extra a month now on an already very tight budget of £143 a fortnight.i rely totally on benefits as due to numerous health conditions have not worked since 2006. I am most annoyed with the govt not the local council as i realise that funding has been cut and you have no choice, but i will struggle horribly to find any extra money whatsoever!!
78. I have long term heart problems and have had a double by-pass, and been told i will never work again, because i'm only 60 years of age iv'e had to pay 20% of my council tax which has made a lot harder
79. Recently disabled and having to rely on benefits finding running home and food , getting tighter .
80. When only on £71p.w jsa any extra going out makes an impact.
81. well finding the money for one, strain on family life as if as I've limited money as it is, and when my ex partner deliberate loses his job so not to pay C.S.A money so finding my community charge money.
82. As a householder who is a full time carer for an adult son with special needs this has negatively impacted our household budget.
83. I had to stop taking my children swimming to budget for it
84. I am disabled living on sickness benefit and DLA. Until recently I received FULL council tax refund. I now have to pay £11.50 per month towards this AND £58.00 per month with the new "bedroom tax" out of my benefits with no increase in benefit. The government say I need X amount of pounds to live on, yet I am now having to find an extra £68.50 to find every month. This is causing me severe difficulty
85. I could not afford the 20% and the support team were able to reduce it for me thankfully.
86. Nil
87. I'm single mother and I'm in working age, so this year I need to pay some Council Tax. To do that I need to work more hours and as result finishing with paying more for childcare. It is very hard for me to plan my finance this year.
88. It has considerably reduced the amount of nutritional food that I can buy as this is the only area that I can economise in. As a family, after all the bills are paid ( & we dont have things like sky movies or Gym memberships)we have the grand total of £20 a week now for food, birthdays, clothes, bus fares, school uniforms.... It has been humiliating having to turn to others to get food just so that I can get my daughter kitted out for high school & the threatening letters of court action really are unhelpful...most people dont pay because they wont, its simply that they cant.
89. The amount I currently have to pay is £30 per month. Although I have noticed the difference I appreciate the reasons for starting the scheme and feel this is a fair way to save some much needed money.
- 90.

- Whilst £15 a month appears a small amount as a lone parent with a disabled minor it has financially impacted on my child's provision even in receipt of DLA for him. My son needs a lot of one to one support and in the holidays needs a constructive/active and safe routine it has been an expensive time funding special need activities on top of school uniform which there is no support for. I have also had to cutback on essentials food and could only pay my water bill once this month (usually fortnightly) to accommodate this bill, this has created a problem with my supplier. I am concerned that any increase would be detrimental to my sons care provision and despite pre conceived ideas of parents on benefits I don't drink,smoke or go out.
91. It's meant that i have had to cut down on the things that i would normally buy to pay the bill.
92. obviously, as I am on benefits, it has taken away much needed funds from my already meagre income.
93. It's an added expense I'd prefer not to have, but I know it's imposed by central government. I don't like the 20% minimum though. It'll mean my remaining savings run out sooner, but it's also being imposed on people who have no savings left already; what are they supposed to do?
94. a lot I now get something silly like 69p a week help.im a single mum working only 16hrs a week how is this fair?!we are lot worse now afterw each month
95. alot as my partner was taken ill and has not been able to claim any benefits to help him . so this has affected us badly, as it is only me working
96. I rent privately and have to top up what I don't get from housing benefit. £100 pcm is a lot of money to find for someone on ESA. So having to pay concil tax aswell is vry difficult. It is very hard to find somewhere affordable to live and moving is traumatic when you have a long-term illness. My rent is going up by £25 pcm in September, so a further increase in council tax would be extremely difficult to manage.
97. Being a full time carer it has impacted on me.
98. although the amount in itself seems small when you are on benefits because of ill health the amount is quite significant. It is the cost of a bus fare to get to doctors, dentist, into town to get shopping and to visit family. If this is increased in any way it will have a significant impact on the income of people receiving benefits.
99. It has made it much more difficult to find money to live on. Also being penalized because my son who lives at home, with mental health issues, and is working part-time on minimum hourly salary seems grossly unfair. He is trying to stay off benefits, yet if he wasn't working there would be no penalty.
100. As my wife is disabled and I am her full time career, the increase has put a strain on our finances as we are unable to earn more as we have to rely on the benefit that we recieve and any extra money we have to find is very hard and unfair in our situation.
101. Have found it very difficult cannot pay when it I due have to take out of weekly food budget and it is not nice receiving letters about not paying on time my council tax is paid in the month it is due just not on the 1st and I cannot tell you when it can be paid as I must decide on the best week to not buy certain foods or another bill needs to be paid.
- 102.

103. I am able to currently pay the percentage of council tax but would struggle if this increased.
104. I totally understand the reasons and agree that working age people should pay their bits towards council tax. I am a single parent of 2 children and in receipt of income support. I pay £17 a month and although this isn't a huge amount i have definitely felt the impact. I do struggle often to get to each pay day and have had to resort to using my credit card.
105. I only work part-time and i'm now also a single parent. This years increase to 20% has had a big impact on the money i have left to entertain my Son with additional needs. I also worry alot about money and the lack off it available at the end of each week/month.
106. I think was fair to pay a small amount towards the full amount.  
During financial times it is important that we all take responsibility;
107. I AM 1 OF THOUSANDS ON THE BREAD LINE. IN ORDER TO PAY MY CURRENT COUNCIL TAX I AM HAVING TO BORROW MONEY AND PUT MYSELF IN DEBT. I HAVE ALSO STARTED MISSING MEALS WHERE I CAN TO HELP COMPENSATE FOR THIS. I TRULY BELIEVE THAT THIS IS AN AWFULL SITUATION FOR PEOPLE LIKE MYSELF. THE GOVERNMENT SAYS YOU NEED ??? TO LIVE ON AND THAT IS WHAT THEY GIVE YOU, SO HOW CAN THE COUNCIL EXPECT PEOPLE ON BENEFITS TO PAY ANYTHING OUT OF THEIR BENIFITS? THIS EFFECTIVLY PUTS ALL OF US ON LESS INCOME THAN WHAT THE GOVERNMENT SAYS WE NEED TO LIVE ON (AND I'DE LIKE TO SEE THEM LIVE ON IT!).
108. It depends how this hits the most genuine and vulnerable in society. There are genuine cases who may not be able to afford to pay this.
109. This year I had to stop working due to a disability, yet our bills continued to go up considerably. While you may say one bill doesn't mean a lot - when it's every bill rising, while income vastle reduces it's difficult.
110. no impact
111. I am now worse off as my other benefits have not increased to cover the cost. I am severely disabled with MS, I cannot work, I have 2 children to support (when I had them I didn't have MS and I had a husband to support us). Thru no fault of my own I have to survive on benefits which are being cut, while the cost of living increases. The impact is only going to grow.
112. As a disabled person on a fixed income, I have found it difficult to pay the contribution.  
The negative effects include a warning from Electricity, Gas, and water companies regarding the payment of bills due to shortage of money. some weeks we go with little food and drink for me and my children but thank God we are never without, however if that 20% was put towards shopping every month it would be much preferred for my family and their well being. I am a single mum to three students and currently looking for work, this is why 20% is needed to come in rather than out. As much I would love to help the local Council Tax support scheme, it is much of a struggle and I would rather get support from this scheme rather than it being another none affordable expense.
114. My son has to go without some activities, rebudget on household food and fuel

115. More difficult to manage finances
116. I am still looking for a job so obviously I am now worse off as I have to pay a set monthly sum, but saying that I feel like I am contributing too.
117. None but it has had a tremendous impact on people with 'restricted' incomes i.e those claiming both out of work and in work benefits who have little or no increase in their actual income but have had to find £3 or £4 extra per week to pay for C Tax.
118. A huge implication. realising that a mere £200 a year is a small amount to some to others is it a huge impact.
119. As a single mum of a 3 yr old on income support, I had already been struggling to meet our needs, and this increase month on month has put me in debt which continues to spiral.
120. Making it difficult to make ends meet & I dont have luxuries like Sky TV, phone line/broadband, car, etc. So increasing it again will probably mean I will not be able to pay it as just have trouble doing so now.
121. have to borrow money to pay because I was waiting a year for tribunal for ESA and therefore my total income was £3700 for the year.
122. A huge impact. Now child benefit is taken into account, I can no longer use that to support my children and a huge chunk of that now has to go to CBC. I earn £128.00 by way of salary and am on my knees now !!!!
123. Was able to afford the amount.  
This year has been very difficult for me financially, as for others in my situation. I have tried really hard to pay my monthly Council Tax payments this year, and will make every effort to continue, but if this were to increase next year, I would be unable to meet the payments. Leading to further stress of possibly being taken to court. I do not smoke, drink, or drive a car, so there is nothing further I can cut back on. My clothes are from charity shops, which is not a problem for me, but if something goes wrong in my flat I cannot afford to have it fixed, fearing a further bill, which is a big problem, and very stressful.
124. I am really sorry to have to admit this, but I now have to shop for the food items that are reduced at the end of the day, as a necessity. Everything costs so much more and will continue to rise. I have no way of changing my situation, and feel that without help, my situation will only get worse.  
This years payments have been difficult to find, but I know that Christmas time is going to be very hard for me, and people in my situation. There is always the worry of affording gifts for family. I buy what I can afford throughout the year when I can afford it, but there has been so little funds left over, after paying my bills, that it will be near impossible to budget for it, this year.
125. Making the poor poorer
126. Less food
127. It is obvious - I have so much less money to use.

128. Devastating because it was not 20% but much more. My payments went from £50 to £113 a month. That is truly an unacceptable rise when there has been no other changes in circumstance
129. Decreased our income on which we were until March 31st 2013 the minimum the law said we needed to live on.
130. Although the cost has been spread throughout the year, it has taken money that we could use for food and other essentials for our family of 4.
131. I am just able to pay the £15 I pay now it would be a hardship to have to pay more on benefits get disability
132. It doesn't help when you are a single parent and struggling to make ends meet.

### Responses to Q5

#### What would the impact be to you if the contribution was to increase above 20%?

1. I can't afford 20% let alone 35% are you having a laugh???
2. I would struggle to pay it as well as my other bills
3. Nil as benefits
4. I am already contributing by over 20% I think. The impact could mean that you need to cover the increase from other sources of income such as child tax credit, especially with the private tenants who saw huge increases in the amount of rent they pay every month.
5. Very much decreased quality of life, wouldn't be able to afford more than the very basics
6. I am on E S A which means I am on a low income and is finding it very hard to pay the council tax. Which means I have to miss other bills or go without food.
7. It was the difference between having £100 and £80. Now you're saying that it will be the difference between having £100 or £65. It makes a huge difference because I'm already having to reduce my outgoings to cover the 20% plus bedroom tax. An increase in council tax plus the expected announcement by the government that all tenants will be required to pay a minimum of 20% of their rent, in line with VAT will leave me with a huge loss in my weekly spending but I will go without food, heating, lighting and whatever else I have to.
8. I would end up on the streets of Colchester, slowly starving to death while the council would have to pay overtime to the Police in order to move homeless people into less visible areas. And where exactly would that be? No hyperbole.
9. The amount of care I could afford would decrease further, leaving me further isolated and in difficulty.

10. As per my last answer but even worse - I cannot even believe you are seriously considering this, it will cause real hardship for many people.
11. Would struggle
12. it will decrease money which I could spend on food. right know there isn't enough, then it will be more complicated
13. Increased CT next year may mean I just can't afford to live where I am and will have to move out - to where, I don't know. With few family to fall back on, I constantly worry of being made homeless.
14. Thousands of people are going through the courts who cannot pay already. There is a huge cost to this, plus it is causing great resentment in people with risk of civil unrest. With the increases in JSA far lower than inflation, and Benefits increasing being disconnected from the Consumer Price Index, it is mathematically impossibility that people will be able to pay. The more people default, the more defaulting becomes acceptable.
15. again more money going out is less money for my childrens' needs which is not ideal but 35% is preferable than more than that.
16. This would be very hard for us as a family, we have our own business which like many others is struggling in the present climate, and we have been down on jobs for over a year now. With the added stress of a child with a disability to look after, it will only increase the burden on our already overstretched finances.
17. All my money is currently accounted for and used but if it increases it would be a case of re-budgeting again.
18. It would make it more difficult to manage
19. It would accelerate my likely homelessness
20. Put me further into debt elsewhere.
21. have to cut out eating , wont be able to afford gas in winter which will not help my arthritis in the spine. I will get even more ill. Which I really done need with problems I got with health.
22. this would have an impact because it would mean finding extra money to be able to make this payment. I believe if your in the position to go to work for example all your children are in full time education and you are able to work then you should have to pay it
23. I would not be able too afford too live in my home.
24. it would cause me great hardship.
25. it would b a huge impact as we only just survive as is .

- Like I say, I am not on benefit but am too sick to work so cannot afford the 20% which I would be expected to pay, let alone 35% it is WAY too high. Rather than it being a set amount you should look at individual incomes and judge it that way rather than a blanket rule which will leave people like me even harder up and with more health issues as I cannot take the stress of it all.
26. It is bad enough as it is and any more would mean us to be in extreme financial difficulties!!
  27. even more financial stress
  28. I would struggle to pay the monthly amount
  29. Currently I have had to cut back on food, missing 3 to 4 meals per week.
  30. When the cold months arrive I will have to cut back further on food, so that I can have some heating, probably on alternate days.  
My life is very difficult at the best of times, but over the last year financially it is a nightmare.  
Any further increase in Council Tax would be extremely hard for me to bear.  
An increase above 20% would have a devastating effect on my life and bring the prospects of being unable to pay for essential foods and non prescribed medicines.
  31. I don't feel it would make a huge amount of difference from 20%
  32. I don't think I would be able to pay it as im already struggling to pay what I have to pay now.
  33. Very hard, as just get by with every day living expenses already.
  34. Worse than it is now!
  35. SEE ABOVE
  36. do not know how to answer this question
  37. Please see above comment
  38. None personally
  39. if it was increased to 35% it would have a significant impact on our benefits
  40. As above
  - 41.



42. I would probably either starve to death or die of hypothermia.
43. This is having an extremely adverse effect on my financial situation, because I am unemployed, and as a result it is effecting all other debts.
44. would have to work longer to earn more money just to make ends meet
45. as above things are hard as it is and I do understand the situation but most fortnights im borrowing off family so this would be a nightmare in short.
46. Please see answer above and increase. We were also very dismayed to discover that until recently when we advised you of the fact you had no record of my wife and I being married, she was down as being another person registered at our address in her maiden name.
47. my health would suffer
48. I would probably become homeless. I would certainly have to use food banks.
49. I wouldn't know what else to cut to be able to eat.
50. Where would it end? 50% next time? 75% after that?
51. Choosing between food Heating in winter or extreme threats and persecution from the council where do you expect the extra money to come from ???  
many of us barely survive on the pittance of so called benefits! do I eat stay warm in winter or pay my council tax and eat less have no heating in winter?? or perhaps commit suicide out of despair and desperation???
52. It would impact massively
53. Not good as I am on Employment and Support Allowance. I am in the Support group and not able to work.
54. It is hard to make ends meet with the current situation, added to that the fact that Disability Living Allowance for lower rate mobility is due to be phased out over the next couple of years (at a cost to me of around £85 per month), I will be forced to find the money from somewhere, the only available place for me is my food budget. I imagine a situation where I am unable to afford to eat regular meals due to this change, especially during winter when a huge chunk of my money will have to go towards the extortionate electricity costs for heating my home.
55. I dont think it matters here what my opinion is as you will raise it anyhow, so i might as well finish this questionnaire now !
56. My children would go hungry and the gas and electric wouldn't get paid
57. even less to live on.

58. Introduce a fasting day, depending on effects of my Heart Medication.
59. My budget is very tight. I have just heard from EDF that since the government has made them reduce the amount of tariffs they can have, my Energy Assist tariff ends on 30.9.13. My electricity could go up by 36.8%. If I have to pay more towards my Council Tax, I may not be able to afford any heating this winter and will have to stay in bed to keep warm.
60. Struggle to feed myself & I would personally join any protest going as I did when WE got rid of council tax oh & Thatcher. Probably wish great grandad was still alive to imprison those making these decisions. Wish I was Welsh not Colchesterian only pay 10% there.  
Possibly even risk jail although ability to pay may not give me a choice become a bag lady
61. This would cripple us. My partner would have to quit university because it just wouldn't be worth it.
62. it would be a great hardship
63. I'm living on the basics already.  
I'm not a benefit scrounger, I'm medically retired & can't see how I could possibly afford to pay more!  
My disabled cousin in Birmingham, pays no council tax!
64. I would have to cut back on my food bill to find the money. I can't work as much as I would love to, so I have no way of getting extra income to pay for this. It is a very big jump from 20%. I think it's wrong. I hope I wouldn't get behind but unless I cut food how else do I magic the money?
65. I would very likely be unable to afford all the things I need. I already do not heat my home in winter because of the cost, other things would no doubt be sacrificed as well. Stop pinching pennies from the poorest people is the simple message that governments and local authorities need to understand and act upon. My only hope if this happens is by that time I have found work and it is not an issue for me.
66. My health would get worse and could ultimately cost the country far more in hospital costs as life would be very difficult, the implication of how this country sees it's disabled due to such policies has already seen an increase in suicide amongst the mentally ill this will just get worse.
67. To have to find a further £8 or £9 or so per week when comparing to pre April 2013, ie approx £470 per annum would put extreme pressure on us
68. This would be ridiculous in my situation and we would not be able to contribute this amount, and as a result there would be ramifications of us not being able to contribute this amount/percentage.
69. This would affect our household severely due to a very limited income.
70. As I am a disabled man on ESA support group I would find this would have a devastating effect on our household income. I find the current amount I am required to pay is hard enough.

71. I would probably have to start paying with my DLA, which is only meant for my health and mobility needs, so my health could be at risk if I had to pay more council tax
72. I would have to eat less food or cut back on my winter heating, £78 benefits a week don't go very far
73. Already explained in above
74. life will be a lot tougher
75. no jobs how are people supposed to survive ?
76. Less money for food,rent top up,electric .£71 p.w doesn,t go far.
77. see above, also i'm on the new E.S.A( incapacity benefit) and that finishes about June time so I don't know what's going to happen.
78. Very negatively indeed. I am already on a very tight financial budget.
79. As all other bills e.g utility bills are increasing the impact would be significant in my household
80. I have NO idea how I would ever manage to make these payments. I don't claim benefits out of CHOICE. I'm NOT able to work
81. I could not pay it.
82. NA
83. I will struggle to pay my bills.
84. we no longer can afford fresh fruit & veg,or heat our homes adequately in the winter. if this happened we wouldnt be able to put our heating on at all...it is simply a choice between food or heat....why do you think obesity is rising & malnutrition in Britain...poor food or lack of food... I never thought that in my 50's such calous behaviour would be going on to the poorest in our societies. & that the most vulnerable would be made to be the scapegoat for many of the governments poor choices...all governments, not just this one... It is grossly unfair that its a postcode lottery as to the amount of help you receive/or don't.
85. I currently feed my children a very healthy diet to ensure they are active and learn well so a 15% increase would make a significant difference as over £50 is close to the cost a weeks shopping.
86. Necessity bills, water gas, electric would suffer as gas is the most expensive I wouldn't use it, I would have to buy a little electric heater and just heat one room and allow my son to sleep in there.In order to pay everything and not be in arrears I would have to account for the increase from my sons DLA which would impact on his level of care.
87. I think that as an unemployed person i would struggle to pay it.

88. I would be usable to simply live  
we would not be able to live on what was left, which would mean that some bills would not be paid, starting with the rent, which means, not only us, but many hundreds of people would end up being evicted and made homeless, not may I add, your fault, but the governments fault for, AGAIN, not thinking things through properly.
89. I'd get that much more worried about running out of money before I can get a job or another pension lump sum.
90. even worse off as I am now.think they should look at other areas around the uk that don't use rthis scheme
91. it would be hard as I am only on job seekers allowance
92. i couldnt afford to
93. I would have to find ways of cutting back. I don't know how.I dread to think about the impact of my increase in rent and in council tax.
94. I think I would have to reconsider being a full time carer.
95. the impact would be as described above and would make life even more difficult for people on benefits because of ill health or simply unable to get a job. It would restrict the ability to afford a simple bus fare. The increase at present represents the price of one bus ticket.
96. Create hardship, after all it is not only this benefit that is being reduced.
97. It would be a disaster full stop.
98. would not be able to pay I do not get job seekers as I am single parent need a job in school time and all holidays off have no immediate family have paid to do a course have passed and now have a diploma but still unable to find anything do not take any other handouts just need some help .
99. I would struggle to pay other bills and my child would probably suffer as i would have to look at cutting the cost where I can and this would be in the food costs. Fresh vegetables and fruit are very expensive and these are a treat as it is.
100. I am struggling now, so any more would be horrendous!
101. I doubt if i would be able to afford 35% as i find it very hard to afford 20%. I'm unable to increase my working hours otherwise i would lose certain other benefits. It's a very vicious circle.
102. I would have less money to spend on my family for essentials and this put pressure on relationships and children welfare.
103. IF MY COUCIL TAX IS INCREASED YOU WOULD HAVE TO TAKE ME TO COURT AS I, LIKE OTHERS WOULD NOT BE ABLE TO PAY IT.
- 104.

- Again it depends on individual cases - there are genuine cases where people cannot afford the 20% so could they realistically afford up to 35%. Will they be means tested or a one size fits all approach.
- I am all for people paying their own way, but each case is different.
- I would be paying that increase out of my £85 weekly Employment and Support Allowance and DLA. That money already doesn't come anywhere near to covering all the the bills, medication and treatment not covered by the NHS, wheelchair maintenance, petrol, etc.
105. Increasing the council tax to 35% would have a massive impact on me.
106. I would struggle to pay my bills and continue to keep a warm home. See above.
107. It would be very serious.
108. It will mean more shortage of money, more stress for me and my family in order to find ways to be able to afford the increase in the contribution amount.
109. I wouldn't be able to afford food and fuel enough to keep my son and I healthy
110. Extremely difficult
111. Struggle more
112. Until I get a job which I am desparately trying to achieve, I will be a lot worse off and worry how I will manage bringing up 3 children on my own.
113. People cannot afford it CBC would be taking more people to Court for unpaid C Tax and so spending my money on perscuting people who cannot pay in the first place
114. Financially crippling. The price rise of gas and electric, water rates and household bills increasing this will implicate hugely and keep me on the poverty line.
115. As I am already in debt and considering not heating my home this winter (as I am struggling with my current electricity bills) it would have considerable impact on my ability to pay my bills and possibly keep my home.
116. Simply put, if my benefits dont increase, you sure wont get paid.
117. very difficult
118. I am already in the poverty bracket and try to do my best by working and setting right example to my young children but struggle more now than ever !!!!!
- 119.

120. Unsure at present time

The impact would be that I would not be able to budget further to be able to pay any extra, so would likely be threatened with court action, and also lose my right to pay by installments,(as has happened in the past, causing further distress.)and making it impossible to pay anything at all.

The very worst that may happen is me getting behind with all my bills and the threat of losing my home if I were to get into debt. The cost of everything is increasing and there comes a point where there is not enough funds to meet the increases. I am already at that point, so 121. my situation is steadily getting worse.

I am coming up to the age of sixty in February of next year, and would have been able to receive my pension, making things a little less stressful. But now, sadly, I have to wait until I am sixty six, with the recent changes. I cannot imagine living with this stress and worry for another six years. I have longstanding health problems, so am unlikely to find work and better my situation.

I would also like to add that the stress of these financial problems impacts on my health issues, and state of mind, causing further problems, so as much as I try, everything deteriorates further, in a cycle I cannot get out of.

122. Have less food to eat, get into debt owe money.

123. Even less food

124. I feel that life would be even more difficult.

terrifying. This is already 20% than you have EVER deemed that a person with no income should pay. Bearing in mind that those on income support - or equiv - would only have been expected to pay £2.70 a week if they had arrears because you had judged them to be that poor.

125.

This is about ability to pay not the Daily Mail statistics on ability to work!!

126. I am disabled so money is very tight.

127. Although of working age, I am disabled and thus cannot work. A rise to 35% would mean the difference between heating my trousers or not (something I need due to disabilities) or even have a hot meal each day.

128. I currently don't earn enough to take care of my family so it would be a struggle.

129. But i am not able to work need a lot of help and support from my daughter and family

130. It would make a huge impact as I am struggling as it is what with energy prices trying to heat my home, food costs - fuel increases so food prices keep going up - having to find money for parking permit - it is endless.

**Q7. Please give any other relevant comments below**

1. think the whole this is outta order.
2. my wife is of state pension credit age and I am 60 but we still have to pay, yet it states in your paperwork if you are of state pension credit age you do not have to pay this
3. I believe in a system that is fair and takes into consideration the personal circumstances of every individual. Link the JSA and Job search to the amount you pay to people out of work. if they are not actively seeking work, then you can increase their tax to over 20%.
4. as long as they are genuinely unable to work.
5. I believe that disabled people who are unable to work should have the same protection as pension age people.
6. how can people afford 20% when you do not get enough money cover the council tax there fore other bills want get payed and people want be able to afford to eat.
7. it should be proportionate. those that can afford to pay more, do so. those who can't, don't. the majority of workers are on minimum wages and claiming benefits to top up those wages, they should not have to pay more than someone on benefits. those who's income is high enough that they can afford to contribute more toward societies costs, should be asked to do so.  
Please remember that every penny is important to those struggling. For those on minimum wage and/or benefits it is a vicious slice into an already negative personal budget. Considering court costs if a citizen reneges on the new cuts to their income: how can this possibly benefit any one? A few less annual Oyster-related jolly times might cover any shortfall by those with the lowest income. How much does "town twinning" cost and is there a financial benefit? What about your own constituents?
8. The worst off suffer from the LCTS which is patently ridiculous.
9. I feel if people working should pay a small contribution and people on benefits i.e income support or dla and unable to work should get full council tax benefit as before and not pay any contribution except for people that are just on jsa (job seekers allowance) and not look for work and have been on that benefit for longer than a year are just playing the system they should have to pay a small contribution
10. Those who receive a certain rate of DLA should not be forced to pay a contribution to Council Tax. It severely reduces the amount of support we are able to have, putting further pressure on us to have to cut down on other essential expenditure, e.g. food and heat. It is leaving the most vulnerable in society even more vulnerable.
11. It shouldn't even be 20% for those unable to work. Other councils have proven that it doesn't need to be, you could make it 0%.
12. I don't think what I say will make any difference, but it should be said. Just because you change Disability into something else doesn't change the fact when people are disabled. I don't agree with charging the disabled, people who are disabled should be exempt, I don't like claiming benefits but unfortunately I am unable to work.

13. I think whether you can work or you cannot work is not relevant to the argument. If you are happy to live on benefits or unhappy to live on benefits, that is more the point, however you could never reach a conclusion on that. I am against economic discrimination.
14. I think a jump from paying 20% to 35 % is a big change in one year. If it was gradually moved to 35% over a few years this would be more achievable for people.
15. Those unable to work should be treated in the same way as those too old to work, namely the pensioners. There should be no discrimination on the basis of age or disability.
16. I'm living on the edge with NO spare income. If increases like this take effect I would seriously consider ending my life.
17. when I am able to return to work when my 3children are in full time education i would be more than happy to pay the same as people who work as I think people should all be treated equally.
18. As above, all people should pay even if it is a small ammount, but must not be forced into more hardship.
19. As mentioned above as I am too ill to work 20% is the maximum I believe affordable.
20. not all benefit claimants are scroungers,individual circumstances should be taken in account,eg people caring for family members.
21. People who are unable to work due to disabilities or chronic illnesses, such as myself, need MORE help NOT LESS, as they struggle to survive financially at the best of times, and it is very unfair to place any further financial burdens on the disabled and sick members of society.
22. If the current burden of 20% that the disabled and sick now have to pay is increased any further, many disabled and sick people will either have to starve or freeze, or both, during the cold months.
23. I do not agree that those unable to work should have to make any contribution. For those unable to work the current contribution has already ensured they are living below minimum income. An increase would be devastating and cause loss of health and early death.
24. Providing either have a disability or elderly I think this would be fair
25. Even 20% is very difficult for me to pay, I am slowly getting more and more into to debt and failing to pay my rent.
26. If people are in a position where it is proven that their health prevents them from working, even 20% is being harsh. When pensioners are excluded
27. i HAVE FOUND IT DIFFICULT TO OBTAIN ADVICE ON WHAT I CAN CLAIM AND WOULD WELCOME EASIER ACCESS TO INFORMATION
28. no comments



28. I am concerned about my ability to pay what I am asked after January/next year

29. I think raising the threshold will cause more hardship - leaving people to seek help from elsewhere, probably not saving much money in the first place. At least leave it until Universal Credit has settled down before changing the threshold; phase it in.

30. I am very afraid that I will not manage at all!

31. In my opinion, disabled people should be protected, like pensioners.

32. This is having an extremely adverse effect on my financial situation, because I am unemployed, and as a result it is affecting all other debts. And there is a big difference between working age people, and people able to work.

33. should be tested per individual or household rather than 'one rule fits all!'

34. I find it hard to pay this amount now

35. payments should be income related

36. With several cutbacks already taking place and more to follow, any increases to outgoings are having severe impacts on those most vulnerable. Being "able" to work and actually having sustainable employment do not always go together.

37. This is a new tax for out of work people etc... so how does the government and council really expect people on very low incomes to find the extra money??? at what cost to their health and well being ??? perhaps people will be forced to turn to crime or prostitution??? does any one REALLY CARE ??? will this survey make one iota of difference ???

Cruel wicked and not thought out properly!!!!!!!!!!!!!!!

38. People on low wages or benefits shouldn't have to pay anything. It is all part of the present Governments destruction of the poor. The unemployed, disabled & those millions working in jobs so poorly paid that they can hardly afford any type of life are being forced to pay for the greed on the city of London. The bankers who stole all the money should be squeezed until the bleed before the poor are taxed anymore

39. This is a direct tax on the poor and vulnerable, those who have no real way to fight the decision. As a benefit recipient, I am totally reliant on the benefits I receive, I do not have a choice of 'seeking alternative employment' or 'making a bit of extra cash on the side' due to the nature of my illness. Like many, it will be at the least very difficult and at the worst impossible to keep my head above water financially. It is a disgraceful decision.

40. I think people with babies and preschoolers shouldn't have to pay towards rent and council tax

41. Given the far greater number of people on a Benefit other than JSA I would consider this unfair.

42. For those on benefits like Income Support it is unrealistic to expect them to be able to find more money when benefits are only going up by 1% and everything else is going up much faster.
43. In February 2012 the amount law stated I needed to live on yet on 1st April expected to manage on £20 less a week. Don't know how I'll manage nor how government managed to get legislation through oh well POLITICAL CAREERS ARE TRANSIENT
44. Some people may be able to work yes, but that doesn't mean people will hire me, because I am lacking in qualifications and lacking in experience. I do not think it is fair to say just because people can work, means that they have money coming in from a job. I can work, but I am virtually unemployable, I apply for hundreds of jobs without success. If people like me are going to be discriminated against, then so should those who cannot work.
45. I think it's wrong that I pay council tax!
46. If you can't work due to illness then there is no way you can afford such a huge increase. 20% is hard enough on benefits. I think it should stay the same for people unable to work as opposed to people that don't want to work. How you police who does or doesn't want to work, I don't know
47. Those who can't work for whatever reason should not be penalised, it is as simple as that. Take more money from the people who have it, i.e. those in work and not considered to be in poverty. Council tax should be increased overall if the money can not be found elsewhere, this new 20% rule needs to go, and especially not increased.
48. Myself and many others feel we are bearing the greatest burden and yet many did not contribute to the "financial crisis", the idea of all in this together does not ring true when people have to decide to heat or eat, whilst others can claim help with childcare when on incomes up to £300,000 pa. If CBC thinks they can get away with this please let me remind you of the poll tax and the demise of Thatcher!
49. Isn't it pretty much the same for those unable to work as it is for those able to work but on such a low income? therefore IMO both should be on a lower contribution than someone on a better income
50. It would seem logical that those able to work should pay a slightly higher percentage but this would need to be based on their individual income and circumstances respectively! How you would police this system is not something I can add constructive feedback on.
51. To this I agree, as it is so easy these days to fall on bad times or to even have an accident that leaves people unable to work. We should not punish people due to illness or bad luck like being made unemployed.
52. If I could work I could increase my income to cover an increase in council tax, however I cannot work due to my health so have to make do on the benefits I receive, so I agree people who are unable to work should still pay 20% only
53. dependant on the reason they are unable to work, being drug dependant or an alcoholic does not make you unable to work
54. Benefits system needs total overhaul - look after "OUR OWN PEOPLE!)to much money wasted on things that dont concern our county - money need to be spent on the right things not wasted -
55. Feel in depends on circumstance. I do not work as I am my daughters carer not because I opt to stay at home

56. Every one SHOULD pay what they can afford. I have worked all my life until I was disabled and never objected paying my "dues" when I was earning. I think every one has an obligation to pay their way IF they can
57. I think not only working age should be taken in attention. There are single parents who are working age, but they can't earn enough because they are not able to work many hours.
58. why is it only working age? Everyone uses the same services, pensioners benefit already from heating grants, bus passes, & often reduced payments in other areas like tv etc. Its families that are suffering.
59. I have no garden so am really restricted to how I can supliment our food,I cant afford the bus so am tied to more expensive shops, I have a child so have 2 lots of fares if she is with me...in every area families are penalised... If its been ok to make the poorest families pay this year, then make those who dont pay anything now pay 20% next year...that would be fair...spread the load!
60. I honestly feel there are many people who choose not to work because it has been made to easy with little or no financial responsibilities. However this has spoilt the help available to those who do try to find work and dislike relying on the help currently available. Im not sure how much income the unemployed recieve in benefits but i do think 20% is fair. However, a further 15% increase could make life very difficult for some people and you may see an increase in the number of people who become reliant on anti depressants or an increase in crime.
61. I don't work because I am my sons carer due to his disability, I have no family and his father has rejected him. It is a round the clock job. Hid DLA provision highlights he needs someone with him at all times due to his lack of awareness of danger. I have no provision for childcare and can't work. Paying 20 percent has already impacted of the minimal amount I receive any more would leave me incurring arrears on essential bills. There are sadly a lot of people who can work and choose not to. I didn't choose my situation and shouldn't be persecuted for it either.
62. those unable to work through no fault of their own, should not have to pay any rent or council tax. each case should be investigated properly to weed out those that could work but choose not to, and they should pay the 20%.
63. just a quick word on BEDROOM TAX. the government makes a big show about being all for families and communities, but when you have lived in a community for many years and made friends, and then someone leaves your household, how can the government expect you to upsticks, move to a smaller house and start again? and just how easy do they think it is to find a suitable, smaller property? AGAIN, no thought put into practice.
64. I think it should be less in fact. The government's already attacking the incomes of disabled people in several ways. It'll cost a lot more to put them up in some sort of residential care when they can't afford to live in their own homes.
65. I am not able to work because of my illness.
66. .
67. I think any rise in contribution to council tax should depend on income. It would seriously impact on those people on benefits and the many people who receive only minimal pay. To those already earning the "national average pay" of £25,000 it would not make much difference, however the "national average pay" is a far cry from our local "average pay" which for many people is struggling to get to £15,000.

66. It should be on a sliding scale dependent on how much they earn. Those unable to work shouldn't pay anything.
67. You are only allowed so much if you cannot work and therefore have to budget your home and family with that amount when things go up like this how are you supposed to find the difference as the amount you get does not go up the same, hence putting people in poverty.
68. benefits are given to those who sometimes play on illness and disability when you look healthy and get on with what life throws at you in everyday life you are overlooked I don't want to live of schemes and false hope just want to have a secure home and not panic about everyday bills
69. As you do really have to take into account each persons individual circumstances which is very difficult , I do understand the reasons behind the changes. But in my case I would come in with all the relevant financial information required and would hope that you would see that as a full time mum working part time there is not much scope for change or an increase in my outgoings.
70. Depends why they are unable to work.
71. Their financial position should be assessed base on their financial means and reasons for not working.
72. I DO NOT BELIEVE THAT PEOPLE ON BENEFITS SHOULD HAVE TO PAY COUNCIL TAX BECAUSE OF THE AMOUNT THE GOVERNMENT GIVES YOU, UNLESS THE BENEFITS ARE INCREASED TO ALLOW FOR IT.
73. If people are able to work, but cannot get a job due to the economy does that not hit the genuine people who are trying to get themselves back on their feet?
74. People who are not working - either claiming JSA, ESA or are carers should not be impacted any further. The amount paid already doesn't cover the cost of living, so the council should protect these groups above others.
75. see above
76. The working family's on low income that probably amounts to what a person who doesn't work (not disabled) should be the same payment increase or not and treated the same
77. People not in work should and on low incomes should not have to pay as they do not have the flexibility in their income to meet such a charge
78. If someone is on a low wage or benefits with the cost of other bills ie utilities and household shopping (I do not mean shopping in M & S ) clothes, and upkeep of a house etc how can one afford this?
79. I am aware that times are hard economically, but careful consideration should be equally given to more vulnerable groups, i.e single parents on income support, pensioners and disabled people
80. Its not if able to work, it should be based on ability to pay. Able to work doesn't mean being able to as too many out of work & not enough jobs.

81. Salary should be taken into account not child benefit which be used for what it was intended, ie supporting children not more tax
82. This is being filled in by the parent of an autistic man who doesn't work due to his disability and high anxieties, ocd, etc. I am his appointee and deal with his finances on his behalf.
83. I would like to add that I am sorry for having to explain my life situation in such personal detail. I do not want to be thought of as someone who is complaining. Life is difficult for most people just now, but I am trying to express myself with honesty in a format that is rather impersonal. (I would be happy to speak to someone about my situation.) I hope there is enough information here to be of use in your assessment. Thank you for taking the time to consider my opinion.
84. The poor need as much help as they can get in life
85. Help the poor
86. If they are unable to work why would they be able to afford any contribution. What has changed in their circumstances that makes it okay to make them pay?
87. People such as myself are being pushed to the limit and now on poverty lines. I am unable to find funds from anywhere else and will never be able to work again to increase my fixed income.
88. I understand the need for payments and the need for facilities but asking those who are unemployed to still contribute a small sum may be difficult. In my case, it felt like with one hand I was given help to take care of myself and family but then the other was asking back for what was given to me.
89. It depends why they are unable to work



## Cabinet

Item  
9(i)

27 November 2013

|                |  |        |                          |
|----------------|--|--------|--------------------------|
| Report of      | Assistant Chief Executive  | Author | Sean Plummer<br>☎ 282347 |
| Title          | 2014/15 Revenue Budget, Fees and Charges, Capital Programme and Financial Reserves |        |                          |
| Wards affected | Not applicable   |        |                          |

**This report provides an update on the 2014/15 Revenue Budget, Fees and Charges, Capital Programme and Financial Reserves**

### 1. Decisions Required

#### 1.1. Cabinet is requested to:

##### **Re: Overall Budget position and changes**

- (a) Note the current 2014/15 revenue budget forecast which at this stage shows a budget gap of £255k and the forecast variables and risks.
- (b) Note the action being taken to finalise the budget.
- (c) Agree that the recommended level of revenue balances be set at £1.8m for 2014/15 as set out in the Risk Analysis subject to consideration of outstanding issues as part of the final budget report in January (Appendix F).
- (d) Note the current budget forecast for 2013/14 as set out at paragraph 12.11
- (e) Note that there are no changes are proposed to the Council Tax discounts set out in Appendix J

##### **Re: Specific budget decisions**

- (f) Approve the distribution of revenue grant to Parish, Town and Community Councils for 2014/15 as set out at Appendix C.
- (g) Approve the funding for voluntary welfare organisations as set out in Appendix D.
- (h) Agree funding for the arts organisations set out at Appendix E
- (i) Agree all fees and charges as set out in Appendix I

##### **Re: Capital Programme**

- (j) Agree to the release of resources £32k for Site Disposal Costs
- (k) Agree to the reallocation of funds already within the capital programme as follows:-
  - a. £71.2k underspend relating to North Colchester BIC to be reallocated to North Colchester Development Land.
  - b. £4.9k underspend relating to King Edward Quay to be reallocated to Transcoast.
  - c. Castle Walls, Town Walls and Walls to Closed Churchyards to be amalgamated into one scheme.
- (l) Recommend to Council that the following new capital schemes are added to the Capital Programme, and agree the release of resources
  - i) £856k for a new baler and shed at Shrub End Depot.
  - ii) £47.2k to relocate the Visitor Information Centre to Hollytrees

(m) Note the Council will no longer be implementing a Local Authority Mortgage Scheme (LAMS) for the reasons set out in paragraph 15.2.

## 2. Reasons for Decisions

- 2.1 The Council is required to approve a budget strategy and timetable in respect of the year 2014/15.
- 2.2. This report relates to the budget update, a review of balances and the capital programme. This report also includes decisions in respect of fees and charges and certain specific budget changes to ensure that these can be reflected in the final budget.

## 3. Alternative Options

- 3.1 There are different options that could be considered and as the budget progresses changes and further proposals will be made and considered by Cabinet and in turn Full Council. The separate appendices showing specific decisions include alternative options where relevant.

## 4. Background

- 4.1. A timetable for the 2014/15 budget process (see Appendix A) was agreed at Cabinet on 10 July 2013.
- 4.2. An initial 2013/14 budget forecast was presented and agreed at the Cabinet meeting on 4 September 2013. This showed a budget gap of c£1.2m

## 5. Local Government Finance Settlement and other Government Grants

### *Formula Grant / Retention of Business Rates*

- 5.1. It was reported to Cabinet on 4 September 2013 that the Government had published a consultation paper on the Local Government Finance Settlement for 2014/15 and 2015/16. In respect of 2014/15 the Government had proposed to revise the 2014/15 local government finance settlement to take account of the 1% reduction in the local government Direct Expenditure Limit (DEL). The table below shows that the reduction in the start up funding for 2014/15 is £1.3m (14%) less than that for 2013/14.

|                         | 2013/14 | 2014/15 | 2015/16 |
|-------------------------|---------|---------|---------|
|                         | £'000   | £'000   | £'000   |
| Revenue Support Grant   | 5,682   | 4,276   | 2,911   |
| Business Rates Baseline | 3,780   | 3,903   | 4,013   |
| Total Start Up Funding  | 9,462   | 8,179   | 6,924   |
| Reduction (yoy) £'000   |         | 1,283   | 1,255   |
| “ “ %                   |         | 14%     | 15%     |

- 5.2. It is expected that the Government will announce details of the 2014/15 Finance Settlement in mid-December. The budget forecast currently uses the above figures and any changes to this in terms of Revenue Support Grant will therefore be reflected in the final budget report.

- 5.3. The arrangements for business rate retention introduced in 2013/14 required the Council to agree an estimate of business rates income for 2014/15. This return (the NNDR 1) must be signed off by the Council's Section 151 Officer by 30 January. This return includes a number of key assumptions in respect of collections rates, growth in business rates and an allowance for the impact of revaluation appeals.
- 5.4. The level of NNDR income retained by the Council will be affected by the decision made for the Council to join the Essex pool for business rates. It has been agreed that the Section 151 Officer and Monitoring Officer in consultation with the Portfolio Holder for Business and Resources are authorised to finalise the specific pooling arrangements together with any necessary documentation. The creation of the pool is subject to approval by Government.
- 5.5. Pooling provides the opportunity for Colchester and other pool members to keep a greater share of business rates collected within Essex as whole and to provide additional income for individual authorities. Based on indicative forecasts and the proposed governance arrangements it is estimated that Colchester could gain c£150k and this has been shown in the budget forecast.
- 5.6. Currently the budget assumption is that business rate income will remain at the "baseline level" with an additional bonus of £150k in respect of proposed pooling arrangements. This will be reviewed as part of the final budget report following confirmation of business rate estimates for 14/15 and impact of any pooling arrangements.
- 5.7. The Council receives other Government grants and confirmation has been received that the level of homelessness grant will be unchanged. However, the housing benefit administration grant has reduced by £90k and is therefore shown in the updated list of cost pressures.

#### *New Homes Bonus*

- 5.8. Alongside the announcement of the Finance Settlement we expect to receive confirmation of the New Homes Bonus. The main part of the grant is based on a payment for any increase in housing numbers (expressed as Band D equivalents) with a further sum paid for affordable homes delivered. The Council receive 80% of the calculated grant with the remaining 20% paid to Essex County Council. The 2014/15 grant will include payments in respect of growth for 4 years and the bonus paid in respect of affordable homes delivery. Based on current estimates we expect to receive c£3.6m in 2014/15 an increase of £1m.



|  | <b>£'000</b> | <b>Note</b>                  |
|--|--------------|------------------------------|
| Grant re growth in Oct 09 – Oct 10       | 724          | Payable annually until 16/17 |
| Grant re growth in Oct 10 – Oct 11       | 749          | Payable annually until 17/18 |
| Grant re growth in Oct 11 – Oct 12       | 986          | Payable annually until 18/19 |
| <i>Total Grant re: growth in taxbase</i> | <i>2,459</i> |                              |
| Affordable homes bonus (re:10/11)        | 52           | Payable annually until 17/18 |
| Affordable homes bonus (re:11/12)        | 105          | Payable annually until 18/19 |
| <i>Total re: affordable homes</i>        | <i>157</i>   |                              |
| <b>Total grant for 13/14</b>             | <b>2,616</b> |                              |
| Grant re growth in Oct 12 – Oct 13 (est) | 1,000        | Payable annually until 19/20 |
| Affordable homes bonus (re: 12/13) (est) | 35           | Payable annually until 19/20 |
| Total to date re growth                  | 3,459        |                              |
| Total to date re affordable housing      | 192          |                              |
| <b>Total grant for 14/15</b>             | <b>3,651</b> |                              |
| <b>Increase in 2014/15</b>               | <b>1,035</b> |                              |

5.9. It was reported to Cabinet on 4 September that the Government was consulting on the mechanism for transferring nationally £400million from the New Homes Bonus to the Growth Fund from 2015/16. Two options have been proposed which are:-

- (a) Applying a flat rate % (c35%) to the total NHB received by all authorities
- (b) Where there is a two tier of local government (e.g. Essex County Council and Colchester Borough Council) the County Council would be required to pay over 100% of the upper tier authority NHB with the remainder (equating to c18.9%) being made by the district.

5.9. Based on the current forecast NHB for 14/15 and assuming a further notional increase of £500k in CBC's NHB in 15/16. The position for 15/16 under the two proposed options shows that:-

- Under option A the level of NHB retained in **15/16** will be broadly similar to the **13/14** budgeted level
- Under Option B we could see an increase on the 13/14 level of c£0.75m

5.10. It is clear that the future of NHB is becoming less certain. The way the scheme works means whilst we are seeing high levels of income growth at the moment these may reduce in the medium to longer term. The proposals to transfer funding has added a further level of uncertainty and therefore whichever option for 'pooling' is agreed the growth in NHB in 14/15 should only be considered at this stage as a one-off gain. As such this is not currently shown in the 2014/15 budget forecast and proposals for how this one off sum might be used will be included within the final budget report.

## **6. Summary of 2014/14 Budget Forecast**

6.1 The revised 2014/15 revenue budget forecast shows that the current budget gap has now reduced to £255k.

|  | <b>2014/15<br/>£'000</b> | <b>Comment</b>  |
|--|--------------------------|---|
| <b>Base Budget</b>   | 22,986                   |   |
| One off growth / cost pressure / saving adjustments                | (667)                    |   |
| Cost Pressures   | 1,205                    | See para 7.1  |
| Growth Items   | 16                       | See para 8.1  |
| Savings  | (1,383)                  | See para 9.1  |
| UCC FSR  | (825)                    | “ “ “   |
| <b>Forecast Base Budget</b>  | <b>21,332</b>            |   |
| Government Grant   | (4,276)                  | Based on the updated figures provided in 2014/15 and 2015/16 settlement consultation paper.   |
| Retained business rates (baseline funding level)                   | (3,903)                  | As above, assumes that the level of business rates retained increases by RPI  |
| Council Tax Freeze Grant   | (150)                    | Potential gain from pooling   |
| Council Tax Freeze Grant   | (109)                    | 2 <sup>nd</sup> year of grant in respect of freeze in 13/14   |
| Council Tax Freeze Grant   | (109)                    | <i>Potential</i> grant in respect of freeze in 14/15. Actual figure may be less than last year *.   |
| New Homes Bonus  | (2,616)                  | Assumes no increase in grant at this stage (see para 5.8)   |
| Council Tax  | (9,684)                  | Based on no increase in Council Tax   |
| Use of Reserves  | (230)                    | Ongoing use to fund community stadium and S106 reserve.   |
| <b>Total Funding</b>   | <b>(21,077)</b>          |   |
| <b>Budget gap</b>  | <b>255</b>               |   |
| <b><i>Budget Gap based on an increase in Council Tax of 2%</i></b> | <b>170</b>               | Reflects additional Council Tax Income and no Council Tax Freeze Grant.<br>*Note: reflects Council Tax Freeze grant at 13/14 level. This may be reduced. See comment at 10.2. |

6.2 Cabinet is asked to note the above 2014/15 revenue budget forecast and the assumptions set out in this report concerning cost pressures, growth items and risks.

## 7. Changes in 2014/15 Budget Forecast

### *Cost pressures*

7.1. There have been some changes to the list of cost pressures previously reported. The total list is as follows:-

|                                      | Current allowance<br>£'000 | Updated allowance<br>£'000 | Comment  |
|--------------------------------------|----------------------------|----------------------------|--|
| Inflationary pressure                | 640                        | 440                        | Net inflation impact. This allowance includes adjustments to reflect assumptions in respect of pay and energy as well as other general changes.  |
| Incremental pension contributions    | 250                        | 100                        | The provisional results of the actuarial review of the pension fund have been received. These reflect an increase in basic employer contributions and changes to the pension deficit contribution. Discussions are taking place with Essex County Council about possible options to spread this cost pressure. Currently an additional cost for 2014/15 of £100k is now assumed. |
| Elections                            | 85                         | 85                         | Cost relating to Borough elections in 2014/15  |
| Fleet                                | 110                        | 110                        | Planned additional costs of fleet in line with changes to vehicles in 2014/15  |
| Housing Benefit Administration grant |                            | 90                         | The Government has recently announced reductions to the administration grant provided in respect of Housing Benefit and the LCTS scheme.   |
| Existing income streams              |                            | 230                        | Within the current year there are some shortfalls in estimated income. These include general car parking income (£150k), income within EMT and parking income at Leisure World. It is considered necessary to reduce these budgets to a more appropriate level.  |
| Risk allowance                       |                            | 150                        | Detailed budgets are currently being prepared. As shown above there are some underlying budget risks where it may be necessary to review certain expenditure and income budgets. An allowance of £150k is included at this stage against these items and will be considered alongside the final budget proposals.  |
| <b>Total</b>                         | <b>1,085</b>               | <b>1,205</b>               |  |

7.2. There are also other potential cost pressures that will be need to be considered in the final budget report. These include issues identified in the review of the 2013/14 budget.

## 8. Growth Items

8.1. The previous budget update to Cabinet in September included no allowance for any growth. The following table now includes one proposal. It should be noted that recurring items agreed last year such as investment funded through the new homes bonus for affordable homes and also the cost of food waste, are not shown.

|                           | Current allowance<br>£'000 | Updated allowance<br>£'000 | Comment   |
|---------------------------|----------------------------|----------------------------|---|
| A12 / A120 litter picking |                            | 16                         | Allocation of funding to allow the Zone teams to continue to undertake fortnightly litter picking of the A12 and A120 following Essex County Council (ECC) confirming that they would no longer be providing funding to Colchester Borough to continue the service. |
| <b>Total Growth Items</b> | <b>0</b>                   | <b>16</b>                  |   |

## 9 Savings/Increased Income

9.1. The following table provides a summary of proposed savings and adjustments totalling £2.208m including items previously reported to Cabinet.

|                                | Current assumption<br>£'000 | Updated assumption<br>£'000 | Comment  |
|--------------------------------|-----------------------------|-----------------------------|--|
| Total Service Items            | (210)                       | (738)                       | Additional savings proposed following review by Budget Group.  |
| UCC Fundamental Service Review | (815)                       | (1,025)                     | Additional savings through implementation of changes to management structures and Professional Support Unit.                           |
| Fundamental Service Reviews    | (195)                       | (445)                       | Savings from third year of Sport and Leisure Review and savings from review of Corporate and Financial Management (see item on agenda) |
| <b>Total</b>                   | <b>(1,220)</b>              | <b>(2,208)</b>              |  |

9.2. Appendix B sets out all proposed savings. This shows of the total amount proposed 77% are based on efficiency items, additional income or technical items.

9.3. Specific details are also provided in Appendix C - E for decisions in respect of parish grants and community service grants

## 10. Council Tax

10.1. The budget forecast for Council Tax income is currently based on a planning assumption of a freeze in the level of Council Tax. This still results in a budget gap and there remain a number of variables and therefore any final proposal will need to consider the overall budget position for 2014/15 and also the medium term implications. There are two important issues relating to Council Tax which the Cabinet will need to consider in respect of a grant that has been made available for authorities that do not increase the Council Tax rate and the indicated level at which a referendum could be required.

### *Council Tax Freeze Grant*

10.2. The Government announced this year that there would be a grant available for authorities that do not increase Council Tax. The grant will be equivalent to a 1% increase in Council Tax and will be paid over 2 years. This is the third Council Tax freeze grant which has been made available to local authorities:-

|                                    | Grant<br>£'000 | Period paid / payable                                   |
|------------------------------------|----------------|---|
| <i>Grants Received:-</i>           |                |   |
| • Council Tax Freeze in 2011/12    | 267            | 2011/12 to 2015/16 (recently extended to cover 2015/16) |
| • Council Tax Freeze in 2012/13    | 269            | 2012/13 only  |
| • Council Tax Freeze in 2013/14    | 109 *          | 2013/14 to 2015/16 (recently extended to cover 2015/16) |
| <i>Potential Grant available:-</i> |                |   |
| • Council Tax Freeze in 2014/15    | 109            | 2014/15 and 2015/16                                     |

*\* Grant may be lower than last year depending on Government approach to dealing with interpretation of LCTS changes within Council Tax base.*

#### *Council Tax referendum*

- 10.4. In 2012/13 changes to Council Tax were set out in the Localism Act provisions for Council Tax referendums. Schedule 5 of the Localism Act introduced a new Chapter into the 1992 Local Government Finance Act making provision for council tax referendums to be held if an authority increases its council tax by an amount exceeding principles determined by the Secretary of State and agreed by the House of Commons. The Localism Act also abolished the capping regime in England.
- 10.5. For 2013-14 the Government set the local authority tax referendum threshold at 2%. For 2014/15 the Secretary of State for Communities and Local Government will formally set out the detail on this in December.
- 10.7. Where an authority exceeds the relevant limit it will be required to seek the approval of the local electorate in a referendum.
- 10.8. Currently, local precepting authorities (i.e. parish and town councils) are not included in the proposed principles. However, the Government has stated that it will monitor increases in this sector and has not ruled out setting principles that will apply to high spending town and parish councils.
- 10.9 The final budget report will include the recommendation in respect of Council Tax and will show the implications for the 2014/15 budget and also the Medium Term Financial Forecast.
- 10.10 Currently no increase is assumed in the Council Tax base (the equivalent number of Band D properties used for tax setting). The tax base will be calculated and agreed in December and any changes to this forecast will be assessed within the final budget report. The tax base calculation will also reflect the impact of the Localised Council Tax Support Scheme, decisions in respect of Council Tax discounts and assessment of collection rates.

## 11. Summary and Risk and variables

11.1. As is common at this stage in the budget setting process there remain a number of key budget risks which include areas where information has not yet been released. The following table sets out the key issues and the current assumption used.

| <b>Risk / Variable</b>   | <b>Current Budget Assumption</b>  | <b>Comment / Timing</b>   |
|--|---|---|
| Grant Settlement / NNDR retention  | Cash reduction of 14% (£1,283k)   | Announcement expected middle / end of December  |
| Other Government grants e.g.:-<br>Benefit Admin grant<br><br>Homelessness grant<br>New Homes Bonus                 | £90k reduction<br><br>Cash freeze<br>Grant of £2.6m   | Some grants have been confirmed. For other grants estimates have been made based on the methodology of the scheme or provisional announced figures.   |
| Confirmation of budget savings   | As set out in report  | Ongoing risk assessment and detailed consideration of proposed savings.   |
| Consideration of any potential recurring pressures and savings identified in the review of 2013/14 budget to date. | Some issues reflected in existing budget forecast. Other areas subject to review.<br>£150k included as risk factor at this stage. | Work continuing as part of detailed budget setting and critical analysis of budget issues.  |
| Completion of detailed budgets / Housing Revenue Account (HRA) recharges   | Assumed all delivered as per budget allocation.<br>No adverse impact on the charge to HRA.  | Detailed budgets to be finalised and recharges calculated in December.  |
| Confirmation of potential one off costs arising from budget proposals (incl. FSRs)                                 | Nil included in budget (sum separately held in balances)  | Assessment of costs following confirmation of proposed budget savings.  |
| Forecast balances position at 31 March 14  | This report forecasts general balances of circa £2m depending on 13/14 outturn  | Continue monitoring of current year budget.<br>Review position in December.   |
| Links to capital programme   | Budget proposals based on current programme.  | Assess revenue impact of any proposed changes to capital programme.   |
| Council Tax Rate   | Planning assumption of freeze   | Consider implication of final Council Tax proposal, referendum and Council Tax Freeze grant.  |
| Taxbase calculated   | Assumed no change.  | Taxbase determined in December. Will be impacted by Local Council Tax Support Scheme and changes to discounts and exemptions and collection assumptions. Expected that taxbase will increase. |

- 11.2. The above highlights the key risks and variables that may affect the budget forecast. Senior Management Team (SMT) and Leadership Team will continue to review these areas to minimise any potential impact and identify remedial action.
- 11.3. In summary, there is now a reduced budget gap. SMT and Leadership Team are continuing to work through the outstanding areas of work and consideration of options to deliver a balanced budget will be detailed in the final budget report in January. These proposals will include an update of the Medium Term Financial Forecast (MTFF) which will reflect any impact in future years arising from proposals to balance the 2014/15 budget.

## **12. Revenue Balances**

### ***Recommended Level of Balances***

- 12.1 The Local Government Act 2003 places a specific duty on the Chief Financial Officer (Section 151 Officer) to report on the adequacy of the proposed financial reserves when the budget is being considered. This section on Revenue Balances and the following section on Earmarked Reserves and Provisions, together with the attached appendices, address this requirement.
- 12.2 The Council is required to maintain a prudent level of revenue balances in order to ensure sufficient funding is available to meet cash flow requirements and urgent or emergency issues that may arise during a financial year.
- 12.3 The minimum level of revenue balances is determined through a Risk Management Analysis based on criteria recommended by the Chartered Institute of Public Finance and Accountancy and endorsed by the Audit Commission. The approach taken last year has been reviewed and updated.
- 12.4. Attached at Appendix F is a schedule detailing the risk analysis for the financial year 2014/15. The analysis concludes that the minimum revenue balances should remain at £1.8m, however, a number of areas will be considered in more detail within the final budget report.
- 12.5. In 2013/14 it was agreed to increase the recommended level from £1.5m to £1.8m. The reason for the proposed change in the level of balances was the increased risks associated with a number of Government reforms. The key financial risks are:-

### ***Local Council Tax Support Scheme (LCTS)***

- 12.6. The separate report on this agenda sets out the proposals relating to the second year of the LCTS scheme. There remain a number of risks to the Council relating to:-
- *Recovery of Council Tax.* There is a risk of a lower level of collection of Council Tax, given that more people will have to pay Council Tax and many for the first time.
  - *Recovery costs and resources.* The number of people paying Council Tax has increased and we will need to consider the impact on resources.
  - *Demand.* Under the previous benefit scheme there was no direct financial impact on the Council of changes in the amount of benefit paid. Under the LCTS scheme the Government grant is a fixed sum and therefore any increase will be borne by all of the major preceptors including Colchester.

### ***Local Retention of Business Rates***

- 12.7. Prior to 2013/14 the level of business rates collected had no material financial impact on the Council as all money collected was paid to Government. The arrangements under the retention of business rates scheme means that risk associated with changes in the level of business rates collected need to be considered and these include:-
- Changes in rateable value of properties following appeals, including outstanding appeal issues not dealt with before the start of the new arrangements.
  - Changes to operational businesses in the borough including the impact of the general economic environment.
  - Collection rates of business rates
- 12.8. The business rates scheme includes a 'safety net'. The analysis of the business rates retention scheme and specifically the operation of a safety net shows that there is a risk to the Council's 2013/14 budget of £283k. The level for 2014/15 has not yet been confirmed, however, it is expected to be similar and therefore there will still be a level of financial risk and volatility to the Council.
- 12.9. As this report shows there remain a number of potential risks and variables that need to be considered as part of the final budget report. The proposal on the recommended level of balances will be reviewed in the final budget report when the implications and details of items have been more fully assessed such as:-
- the Finance Settlement,
  - business rate retention scheme
  - Council Tax base (including collection rate assumptions)
  - budget savings and other variables

### ***Forecast Balances Position***

- 12.10. Appendix G details the forecast revenue balances position. This includes assumptions regarding the use of balances and the current forecast outturn position against the 2013/14 budget as explained below.
- 12.11. The report to Scrutiny panel on 12 November 2013 set out a number of forecast variances on the 2013/14 budget. In total, a forecast *potential* net budget shortfall of £338k is currently identified. A number of variables remain that could affect this position, both favourably and adversely. As part of the final budget report in January the current year position will be reviewed. The potential impact on balances is shown at Appendix G based on delivering this year's outturn on budget and the position reported to Scrutiny Panel.
- 12.12. The balances position reflects a number of allocations for specific projects or contingency items. As part of the budget process these items are being reviewed to confirm whether it is necessary to continue to hold them at current levels.

## **13. Earmarked Reserves and Provisions**

- 13.1. The Council maintains a number of earmarked reserves and provisions, which allows it to prudently plan for future expenditure requirements. As at 31 March 2014 we are currently forecasting earmarked reserves to total £4.1m and provisions £0.3m.
- 13.2. As part of the budget process a review has been undertaken into the level and appropriateness of earmarked reserves and provisions. The review concludes that the reserves and provisions detailed in Appendix H remain appropriate and at a broadly adequate level. However, further detailed work is on-going to confirm this assumption and the position will be considered as part of the final budget report.



13.3. It is currently assumed that we will use £230k from these reserves to specifically support the budget as set out below:-

*(a) Use of the S106 reserve to support costs (£30k)*

We continue to use the S106 reserve to support costs of staff involved in monitoring S106 agreements, however, it should be noted that the current balance is reducing and may therefore not be sustainable over the short to medium term

*(b) Use of the Capital Expenditure Reserve (CER) to meet the costs of the Minimum Revenue Provision in respect of the Community Stadium. (£200k)*

As part of the original financial implications of the Community Stadium it was agreed that we would use the CER to minimise the revenue impact of needing to set aside an annual amount to repay the debt associated with building the stadium. This was done on the basis that capital receipts from associated development in the area would be secured to repay the debt. To use the CER requires the Council to identify capital resources each year in release funds from the CER. As part of the final budget paper this arrangement will be reviewed given the current asset strategy within North Colchester.

**14. Fees and Charges**

14.1. Proposals in respect of fees and charges are set out at Appendix I with relevant supporting information.

**15. Capital Programme**

15.1. Cabinet has so far considered the 2013/14 Capital Programme on three occasions. At the meeting of 28 November 2012 Cabinet agreed the release of £2.465m, with a further £1.176m being agreed on 23 January 2013.

15.2. At the meeting of 10 July 2013, Cabinet agreed the release of £1m in respect of the Local Authority Mortgage Scheme, which was to be funded from external borrowing. This scheme was temporarily put on hold by the bank following the Government's decision to bring forward its Help to Buy scheme. LAMS has now been re-opened by the bank for schemes with approval in place by 30 November 2013, with a limitation of tranches of £1m unless a deed for £2m had already been agreed. However, following discussions with the Portfolio Holder for Business & Resources it is proposed that the Council no longer continues with LAMS having considered the scheme again in the light of the national introduction of Help to Buy, and the limitations of the re-opened scheme.

15.3. The quarter 2 capital monitoring report that was reported to Scrutiny Panel on 12 November showed a total 'live' Capital Programme of £29.1m, and a projected spend for the year of £24.7m. The remainder of the funds being expected to be spent in 2014/15 and beyond.

15.4. The monitoring report highlighted that there is a forecast net underspend on the 'live' Capital Programme of £55k in respect of the following schemes:

| Scheme | Over/ (Under)<br>£'000 |
|--------|------------------------|
|--------|------------------------|

|  |               |
|--|---------------|
| Town Hall DDA Sensory Project (forecast) | 3.5           |
| Carbon Management Programme (forecast)   | (5.9)         |
| Site Disposal Costs                      | 23.2          |
| North Colchester BIC                     | (71.2)        |
| King Edward Quay                         | (4.9)         |
| <b>Total Net Underspend</b>              | <b>(55.3)</b> |

15.5. Whilst it is hoped that the small projected overspend against the Town Hall DDA Sensory Project can be mitigated, it is proposed that resources are released to meet the additional site disposal costs that were incurred to secure a capital receipt in respect of land at North Colchester. It is also proposed that underspends shown against the North Colchester BIC and King Edward Quay schemes are reallocated to the North Colchester Development Land scheme and the Transcoast scheme respectively.

15.6. A review of resources available to support the Capital Programme in the medium term has been carried out, and the following table provides a summary of the projected position for 2013/14. This shows a surplus that is available to support potential schemes in subsequent years.

| Detail  | £'000            | Note   |
|---|------------------|--|
| Balance of funds brought forward from 2012/13 | (987.2)          | Surplus  |
| Cabinet 28 November 2012                      | 2,464.5          | UCC FSR; Castle Park Olympic Legacy  |
| Cabinet 23 January 2013                       | 1,176.0          | Town & castle walls, temp accommodation review, closed churchyards, DFGs, site disposal, MRP, Lion Walk lift |
| Capital receipts to date 2013/14              | (2,570.0)        | Angel Court (balance), Axial Way, Northern Gateway   |
| Projected receipts for 2013/14                | (1,314.0)        | Receipts which are confirmed but not yet received  |
| <b>Balance available</b>                      | <b>(1,230.7)</b> |  |
| Forecast overspend on programme               | 32.0             | See para 15.7  |
| New releases proposed now                     | 903.2            | See para 15.7  |
| <b>Total forecast balance carried forward</b> | <b>(295.5)</b>   | Surplus  |

15.7. It is recommended that part of the balance available for release is used for the following priorities, which require resources during the 2013/14 financial year.

- £32k to cover the costs associated with the generation of a capital receipt from land in North Colchester as detailed in paragraph 3.3.
- £856k for a new baler and baling shed at Shrub End Depot, to replace equipment that is at the end of its useful life.
- £47.2k to enable the Visitor Information Centre to be relocated from its current location to Hollytrees, thus enabling a capital receipt to be generated.

15.8. It is also proposed that the following three ongoing capital projects are amalgamated into one scheme to be managed by the Facilities Manager. This will enable funds to be directed to where there is the greatest priority, and reduce the need for emergency repairs:

- Castle Walls. Balance of £412k as at 30 September 2013.
- Town Walls. Balance of £220k as at 30 September 2013.
- Walls to Closed Churchyards. Balance of £102k as at 30 September 2013.

## **16. Council Tax Discounts**

- 16.1 The Local Government Act 2003 gave local billing authorities the ability to vary the discounts on second and empty homes. Last year local authorities were also given the opportunity to use new powers within the Finance Bill to reduce the level of discounts currently granted in respect of second homes and some classes for empty properties.
- 16.2. No changes are proposed to the existing arrangements which are set out in Appendix J

## **17. Strategic Plan References**

- 17.1. The Council has agreed an over arching vision for the Borough: Colchester, the place to live, learn, work and visit. Alongside this are number of broad aims.
- 17.2. The 2014/15 budget and the Medium Term Financial Forecast will be underpinned by the Strategic Plan priorities and will seek to preserve and shift resources where needed to these priorities.

## **18. Consultation**

- 18.1. The Council is required to consult on its budget proposals. A consultation exercise took place as part of the production of the Strategic Plan agreed by Council in February 2012.
- 18.2. The budget strategy and timetable aims to ensure that information is available for scrutiny and input from all Members on proposals in the process. The aim is that detailed information will be available prior to the final budget report being submitted to Cabinet and approval by Council in February.
- 18.3 As has been the case in previous years the opportunity remains open for the leader of the opposition to meet with officers to assist with consideration of any alternative budget proposals.
- 18.4. Furthermore, we will continue with the statutory consultation with business ratepayers.

## **18. Financial implications**

- 18.1 As set out in the report.

## **19. Risk Management Implications**

- 19.1 The strategic risks of the authority are being considered in developing the 2014/15 budget and all forecast savings/new income options are being risk assessed as part of the budget process.

## **20. Other Standard References**

- 20.1 Having considered publicity, equality, diversity and human rights, community safety and health and safety implications, there are none that are significant to the general matters in this report. Where issues have been considered as part of fees and

charges proposals or other budget changes these are detailed in the relevant appendix.

**Background Papers**

Report to Cabinet 4 September 2013 – 2014/15 Revenue Budget Update

