

Cabinet

**Grand Jury Room, Town Hall
6 March 2013 at 6.00pm**

The Cabinet deals with the implementation of all council services, putting into effect the policies agreed by the council and making recommendations to the council on policy issues and the budget.

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COLCHESTER BOROUGH COUNCIL CABINET

6 March 2013 at 6:00pm

Leader (& Chairman): Councillor Anne Turrell (Liberal Democrats)
Deputy Chairman: Councillor Martin Hunt (Liberal Democrats)
Councillor Lyn Barton (Liberal Democrats)
Councillor Tina Bourne (Labour)
Councillor Annie Feltham (Liberal Democrats)
Councillor Beverley Oxford (The Highwoods Group)
Councillor Paul Smith (Liberal Democrats)
Councillor Tim Young (Labour)

AGENDA - Part A

(open to the public including the media)

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Urgent Items

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

3. Declarations of Interest

The Chairman to invite Councillors to declare individually any 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.

4. Have Your Say!

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

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

5. Minutes

1 - 15

To confirm as a correct record the minutes of the meeting held on 23 January 2013.

6. Call-in Procedure

To consider any items referred by the Strategic Overview and Scrutiny Panel under the Call-In Procedure. At the time of the publication of this Agenda there were none.

7. Strategy

<ul style="list-style-type: none"> i. Council Governance Arrangements 	<p>16 - 60</p> <p>See report by the Monitoring Officer</p>
<ul style="list-style-type: none"> ii. Funding Allocations to Support Strategic Plan Priorities 	<p>61 - 63</p> <p>See report by the Executive Director.</p>
8. Business and Resources	
<ul style="list-style-type: none"> i. Officer Pay Policy 	<p>64 - 77</p> <p>See report by the Head of Corporate Management</p>
<ul style="list-style-type: none"> ii. Technology and Community Engagement Task and Finish Group // Final Report 	<p>78 - 82</p> <p>See report by the Task and Finish Group</p>
9. Communities and Leisure Services	
<ul style="list-style-type: none"> i. Colchester Borough Council Safeguarding Policy 	<p>83 - 113</p> <p>See report by the Head of Life Opportunities</p>
10. General	
<ul style="list-style-type: none"> i. Progress of Responses to the Public 	<p>114</p> <p>To note the contents of the Progress Sheet.</p>

11. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example 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).

CABINET

23 JANUARY 2013

Present :- Councillor Anne Turrell (the Leader of the Council)
(Chairman)
Councillors Lyn Barton, Tina Bourne, Annie Feltham,
Martin Hunt (Deputy Leader) , Beverley Oxford,
Paul Smith and Tim Young

Also in Attendance :- Councillor Nick Barlow
Councillor Kevin Bentley
Councillor Mary Blandon
Councillor Marcus Harrington
Councillor Jo Hayes
Councillor Kim Naish
Councillor Gerard Oxford
Councillor Colin Sykes
Councillor Laura Sykes
Councillor Dennis Willetts
Councillor Julie Young

52. Minutes

The minutes of the meeting held on 28 November 2012 were confirmed as a correct record.

53. 2013/14 Revenue Budget, Capital Programme and Medium Term Financial Forecast

The Head of Resource Management submitted a report a copy of which had been circulated to each Member. Cabinet also had before it minute 40 of the meeting of the Finance and Audit Scrutiny Panel meeting on 22 January 2013.

Councillor Smith, Portfolio Holder for Business and Resources, introduced an urgent supplementary paper updating the Head of Resource Management's report.

Councillor Harrington attended and, with the consent of the Chairman, addressed the Cabinet. He welcomed the proposal contained in the supplementary paper to freeze council tax, rather than increase it as was originally proposed. He suggested that the Councillor locality budgets could either be ceased or reduced in order to fund a reduction in council tax. The money used to fund locality budgets would be better used supporting the budgets of all households through a reduction in council tax rather than benefitting a few through the locality budgets.

Councillor Quince attended and, with the consent of the Chairman, addressed the Cabinet. He believed that the decision to not to proceed with the rise in council tax was a political decision and expressed concern that the administration was using Council

reserves to part fund the freeze. He believed using reserves in this way was poor financial management. The administration had had several months to prepare the budget yet had changed its proposals at the last minute. Neighbouring Conservative authorities were cutting council tax. He called on the administration to make it clear that Councillor allowances would not be increased. He was proud of the role the Conservative group had played in pushing for a council tax freeze and paid tribute to the campaigns by the local media.

Councillor G. Oxford attended and with the consent of the Chairman, addressed the Cabinet. The late change in the budget proposals was a consequence of the full information on which to base decisions only becoming available at a late stage. For example the funding agreement with Essex County Council and Essex Fire Authority had only been signed on 18 January 2013. He praised the efforts of officers in bringing forward an amended budget. He supported the maintenance of locality budgets which were a good example of localism in action.

In response, Councillor Smith, Portfolio Holder for Business and Resources, indicated that the all party Policy Review and Development Panel had recommended that locality budgets be maintained. A number of Conservative authorities were using reserves to contribute to their budgets, on a much larger scale. The funding that allowed the administration to propose a council tax freeze had only been finalised on 18 January 2013 and it would have been irresponsible to budget on the basis of verbal assurances.

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, explained that he had not had the opportunity to study the detailed information on which the amended proposals were made or discuss it with the Labour Group. In the circumstances, the Labour members on the Cabinet were not able to vote in favour of the proposed budget. There were good reasons for supporting a rise in council tax. He noted that a number of Conservative authorities had recommended a rise. Freezing council tax was likely to store up problems for the future.

Councillor Smith, Portfolio Holder for Business and Resources, introduced the budget proposals. He indicated that the recommendation at paragraph 1.13 of the Head of Resource Management's report should be amended to exclude paragraph 7.4 of the Treasury Management Strategy Statement. This was because the temporary restriction to the duration limits of investments had now been lifted due to improved data from Europe and improved liquidity in financial markets.

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture indicated his support for a number of elements of the budget. The budget proposed a number of growth items, which the public would support. It also made provision for a pay rise for staff, which was richly deserved. In respect of the comments made about Councillor allowances, Council had already agreed to implement the recommendations of the Independent Remuneration Panel. Therefore Councillor allowances fell outside the scope of the budget. It was up to each individual councillor to decide whether to accept the rise in the allowance.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, endorsed the comments on Councillor allowances and thanked officers on behalf of Cabinet for

their work in bringing forward the budget.

RESOLVED (SIX voted FOR and TWO ABSTAINED from voting) that:-

- (a) The outturn for the current financial year, forecast to be an underspend in the region of £250,000, be noted (see paragraph 3.4. of the Head of Resource Management's report).
- (b) The cost pressures, growth items, savings and increased income options identified during the budget forecast process as set out at Appendices B, C and D of the Head of Resource Management's report (as amended to incorporate the additional information contained in the supplementary paper submitted to Cabinet) be approved.
- (c) It be agreed and *RECOMMENDED to COUNCIL* the 2013/14 Revenue Budget requirement of £22,986,000 (as set out in paragraph 6.11 of the Head of Resource Management's report as amended by the supplementary paper submitted to Cabinet) and the underlying detailed budgets set out in summary at Appendix E and Background Papers to the Head of Resource Management's report.
- (d) Revenue Balances for the financial year 2013/14 be set at a minimum of £1,800,000 and that £765,000 of balances be applied to finance items in the 2013/14 revenue budget.
- (e) The provisional Finance Settlement figures set out in Section 7 of the Head of Resource Management's report including the start up figures for the new business rates retention scheme and the arrangements for completion of the required return of estimated business rates income as set out at paragraph 7.19. of the Head of Resource management's report, be agreed.
- (f) The following releases be agreed (see paragraph 10.6 of the Head of Resource Management's report):-
- £200,000 from the Capital Expenditure Reserve in 2013/14 to meet costs including the community stadium.
 - £30,000 from the section 106 monitoring reserve
 - £102,000 from the Pensions Reserve
- (g) It be agreed and *RECOMMENDED to COUNCIL* that £100,000 of Revenue Balances be earmarked for potential unplanned expenditure within the guidelines set out at paragraph 11.3 of the Head of Resource Management's report.
- (h) It be agreed and *RECOMMENDED to COUNCIL* that Colchester's element of the Council Tax for 2013/14 be set at £175.23 for Band D properties which is a 0% increase (see paragraph 12.2 of the Head of Resource Management's report and the supplementary paper submitted to Cabinet).
- (i) It be noted that the formal resolution from Cabinet to Council will include the Parish, Police, Fire and County Council elements and any change arising from the

formal Finance Settlement announcement in early February 2013, to be prepared in consultation with the Leader of the Council.

(j) The Medium Term Financial Forecast for the financial years 2013/14 to 2016/17 be noted.

(k) The position on the Capital Programme shown at section 14 of the Head of Resource Management's report be noted and the following be agreed:-

- the releases set out at paragraph 14.6 of the Head of Resource Management's report.

- to *RECOMMEND to COUNCIL* that the refurbishment of the lift in the Lion Walk Activity Centre be added to the Capital Programme.

(l) The comments made on the robustness of budget estimates at section 15 of the Head of Resource Management's report be noted.

(m) The 2013/14 Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy as set out at Appendix I, with the exception of paragraph 7.4 of the Treasury Management Strategy Statement, be approved and *RECOMMENDED to COUNCIL*

REASONS

The reasons for the decisions were set out in detail in the Head of Resource Management's report and the supplementary paper submitted to Cabinet.

ALTERNATIVE OPTIONS

Various options were investigated at every stage of the budget setting process, due consideration of which was taken in order to meet the objectives of the Council's Strategic Plan.

54. Food Waste Collection Trial

The Head of Street Services submitted a report a copy of which had been circulated to each Member.

Councillor Hunt, Portfolio Holder for Street and Waste Services introduced the proposals in the Head of Street Services report. He paid tribute to the work of Clare Hornsby, Strategy and Performance Officer, for her work in leading the food waste trial. Councillor Hunt also expressed thanks to the members of the Waste and Recycling Options Task and Finish Group for their help and support.

Whilst the receipt of the Weekly Collection Support Fund grant would make the implementation of food waste collection easier, the Council would have proceeded even if the grant had not been received. He drew attention to the scheme to sell liners

for the food waste caddies through local shops and invited councillors to identify suitable local shops.

RESOLVED that:-

- (a) The results of the food waste trial be noted.
- (b) A food waste collection service be introduced for every household in the Borough of Colchester including flats.
- (c) A phased introduction of the food waste collection service be introduced and the collection methods and arrangements be confirmed.
- (d) The use of the Weekly Collection Support Fund grant and the requirement to maintain weekly residual waste collections for the next five years be noted.

REASONS

- (a) To enable officers to plan and implement the introduction of a borough-wide food waste collection service for all households.
- (b) To ensure that the conditions relating to the Weekly Collection Support Fund grant are being adhered to by the Council.

ALTERNATIVE OPTIONS

The Council must, as a condition of the grant, maintain weekly residual waste collection for the next five years and implement a borough-wide food waste collection service so there can be no alternative to these requirements. However, the Council could choose to implement the borough-wide food waste collection service concurrently to all households in Colchester rather than phasing the introduction.

55. Colchester Localism

Minute 13 of the minutes of the meeting of the Policy Review and Development Panel was referred to Cabinet.

Councillor J. Young, Chairman of Policy Review and Development Panel, addressed the Committee to support the Panel's recommendations in respect of localism and the community rights to challenge and to bid. Localism provided an opportunity for local communities to get involved with influencing and running services. This raised a number of challenges for the Council. There were implications for staffing. There was also the possibility of the Council needing to pay compensation in respect of the community right to bid. However, there were also clear benefits. The leadership role of councillors would be strengthened. The Panel's recommendations had been agreed by all members and so enjoyed cross party support. However, the Council needed to be watchful of the capacity of the third sector. The Council also needed to ensure the same rights were given to communities based on religion or other characteristics, not

just locality based communities.

Councillor Feltham, Portfolio Holder for Communities and Leisure, thanked the Policy Review and Development Panel. The contributions from the Panel and from guests at the meeting of 5 November 2012 had been very helpful. There was considerable enthusiasm for localism in the borough and the Council was already undertaking a wide range of work that fitted in with the localism agenda. The projects contained in the Project Initiation Documents provided a set of options that could be taken forward. She stressed her support for the continuation of locality budgets.

Councillor T. Young expressed concern that third sector organisations such as the Citizen's Advice Bureau and Age UK were struggling and he stressed the importance of continued Council support for such organisations.

RESOLVED that:-

(a) The approach to Localism in Colchester identified in the report by Executive Director Ian Vipond to the Policy Review and Development Panel be approved;

(ii) The list of initiatives contained in the Project Initiation Documents attached to the report by Executive Director Ian Vipond to the Policy Review and Development Panel be progressed with a view to implementation by their relevant Portfolio Holders;

(iii) The benefits of the Councillor Locality Budgets be acknowledged and the allocation of these funds to individual councillors be continued;

(iv) The building of capacity in communities be explored further by means of the fourth option identified in the report by Executive Director Ian Vipond to the policy Review and Development Panel, namely to connect more directly with the communities, through a range of partners, particularly the Voluntary Sector and community groups to directly enable them to take more decisions.

REASONS

Cabinet valued the Localism agenda and supported the approach to Localism set out in the report to Policy Review and Development Panel meeting on 5 November 2012.

ALTERNATIVE OPTIONS

It was open to Cabinet not to agree the recommendations of the Policy Review and Development Panel or to agree them with amendments.

56. Localism Act 2011 - Community Right to Challenge

The Monitoring Officer submitted a report a copy of which had been circulated to each Member together with minute 15 of the Policy Review and Development Panel meeting of 5 November 2012.

Councillor Felltham, Portfolio Holder for Communities and Leisure Services, introduced the report and explained the main features of the community right to challenge. Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, indicated his support for the proposals but some concern was expressed about the provision allowing “such other persons or bodies as may be specified by the Secretary of State in regulations” to submit an expression of interest. It was noted that no such regulations had been made, but this could potentially lead to bids from organisations which were fronts for private companies.

RESOLVED that:-

- (a) The contents of the Monitoring Officer’s report be noted.
- (b) The period specified for the receipt of expression of the interest and timescales set out in Appendix 1 of the Monitoring Officer’s report be agreed.
- (c) Any expressions of interest received be reported to the Cabinet once the validation process has been undertaken by Legal Services. Any decision to undertake a procurement process be managed by the relevant Service area in consultation with the Council’s procurement team.

REASONS

The Localism Act 2011 introduced with effect from 27 June 2012 a right for Parish Councils, community and voluntary bodies, charitable trusts and two or more local authority employees to submit an expression of interest in taking over the provision of a service on behalf of the local authority. The Act is supported by the Community Right to Challenge (Expressions of Interest and Excluded Services) Regulations 2012 and Statutory Guidance issued by the Secretary of State.

Where a valid expression of interest is received, the Council is required to undertake a procurement exercise for that service, which may lead to a contract for the provision of the service being awarded.

ALTERNATIVE OPTIONS

The Right to Challenge was a statutory requirement and therefore arrangements to facilitate this needed to put in place. It was open to the Cabinet to agree a different period for the receipt of expressions of interest.

57. Assets of Community Value - Community Right to Bid

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member together with minute 5 of the meeting of the Policy Review and Development Panel meeting of 5 November 2012.

Councillor Feltham, Portfolio Holder for Communities and Leisure Services, introduced the report and explained the main features of the community right to bid. She explained

that some concern had been expressed that authority to decide whether nominated land should be considered to be an asset of community value would be vested in an officer rather than a Councillor. However, the regulations were clear on the matter. Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, explained that such decisions would be taken in consultation with the Portfolio Holder with responsibility for planning and the Chairman of the Local Plan Committee.

Councillor Smith, Portfolio Holder for Business and Resources, indicated that the provisions would help communities protect land from development.

RESOLVED that:-

- (a) The recommendations set out in minute 5 of the meeting of the Policy Review and Development Panel meeting of 5 November 2012 be approved.
- (b) The arrangements set out in paragraph 5 of the Head of Strategic Policy and Regeneration's report be agreed.
- (c) The Monitoring Officer be authorised to make any necessary changes to the Constitution.

REASONS

- (a) The provisions of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 place a number of requirements on the Council.
- (b) A report was made to Policy Review and Development Panel on the 5 November 2012 setting out the new legislative requirements and requesting that the Panel made recommendations to Cabinet on the arrangements to be adopted by Colchester Borough Council. The report to Cabinet by the Head of Strategic Policy and Regeneration provided further information on the legislative requirements.

ALTERNATIVE OPTIONS

The Council is required by legislation to maintain a list of assets of community value and to consider community nominations. The proposed arrangements for processing and considering applications are set out in the proposals section of this report. Alternative options include placing responsibility for these functions within a different section(s) of the Council.

58. Housing Revenue Account Estimates 2013-14

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member together with minute 40 of the meeting of the Finance and Audit Scrutiny Panel meeting on 22 January 2013.

RESOLVED that:-

- (a) The 2013/14 Housing Revenue Account revenue estimates as set out in Appendix A of the Head of Strategic Policy and Regeneration's report be approved.
- (b) The dwelling rents as calculated in accordance with the rent restructuring formula (set out in paragraph 4.7 of the Head of Strategic Policy and Regeneration's report) be approved.
- (c) The rents for garages as set out in paragraph 4.10 of the Head of Strategic Policy and Regeneration's report be approved.
- (d) The 2013/14 management fee of £3,238,300 for Colchester Borough Homes (CBH) be approved (as set out in paragraph 4.16 of the Head of Strategic Policy and Regeneration's report).
- (e) It be noted that a revenue contribution of £2,812,000 to the Housing Investment Programme is included in the budget (see paragraph 4.30 of the Head of Strategic Policy and Regeneration's report).
- (f) The HRA balances position in Appendix B of the Head of Strategic Policy and Regeneration's report be noted.
- (g) The Medium Term Financial Forecast (MTFF) set out at Appendix C and the 30 Year Housing Revenue Account financial position set out at Appendix E of the Head of Strategic Policy and Regeneration's report

REASONS

Financial Procedures require the Head of Strategic Policy and Regeneration to prepare detailed HRA estimates for approval by the Cabinet, setting the new rent levels for the new financial year.

ALTERNATIVE OPTIONS

No alternative options were proposed to the Cabinet.

59. Housing Investment Programme 2013-14

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member together with minute 40 of the meeting of the Finance and Audit Scrutiny Panel meeting on 22 January 2013.

Councillor Bourne, Portfolio Holder for Housing, introduced the report and explained that the Housing Investment Programme demonstrated the administration's commitment to its housing stock and the provision of sheltered housing. It showed the value the administration placed on the provision of services to the vulnerable and those in need.

RESOLVED that:-

- (a) The Housing Investment Programme for 2013-14 be approved.
- (b) The Capital Medium Term Financial Forecast set out at Appendix A to the Head of Strategic Policy and Regeneration's report be noted.

REASONS

Each year as part of the process to agree the Council's revenue and capital estimates the Cabinet is required to agree the allocations to the Housing Stock Investment Programme. These allow for work to be undertaken to maintain, improve, and refurbish the housing stock and its environment.

Following the Cabinet meeting on the 30 November 2011 it was agreed in principle to accept a proposed 5 year Housing Investment Programme (HIP) as the framework for procuring housing related planned works, improvements, responsive and void works and cyclical maintenance, subject to overall budget decisions in January 2012 and annually thereafter.

It was also agreed that the proposed 5 year investment programme would be linked to the Asset Management Strategy and reviewed annually in the light of available resources and for each annual allocation to continue to be brought to Cabinet for approval as part of the overall HIP report.

The Colchester Borough Homes (CBH) Board has been apprised of the content of the Cabinet report submitted on the 30 November 2011 and is now seeking approval for the 2013/14 Capital programme being the second year of the HIP.

The Head of Strategic Policy and Regeneration's report sought the release of funds under grouped headings as described in the Asset Management Strategy and supported by the Deed of Variation which governs the contractual delivery relationship between Colchester Borough Council and Colchester Borough Homes.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

60. Sheltered Housing

Minute 44 of the Council meeting of 6 December 2012 was referred to the Cabinet.

The wording of the petition submitted and considered by Council was noted. However, Cabinet were of the view that this did not take account of the substantial investment made in sheltered housing as set out in the report on the Housing Investment Programme.

RESOLVED that the petition submitted in respect of Sheltered Housing and the Motion approved by Council on 6 December 2012 be noted.

REASONS

The wording of the petition submitted was noted. However, this did not take account of the substantial investment made in sheltered housing as set out in the report on the Housing Investment Programme.

ALTERNATIVE OPTIONS

No alternative options were presented.

61. Building Works in Conjunction with Colchester Castle Redevelopment Project

The Head of Corporate Management submitted a report a copy of which had been circulated to each Member.

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, explained that the proposals represented substantial investment in one of the Council's greatest assets.

RESOLVED that:-

- (a) It be agreed to proceed with the building works to be undertaken in conjunction with the Colchester Castle redevelopment project.
- (b) It be agreed to enter into a contract with the successful contractor to undertake the aforementioned works.

REASONS

Colchester and Ipswich Museums Service was successful in its second round bid to secure grant funding from the Heritage Lottery Fund (HLF) for a project to redevelop Colchester Castle Museum.

The building works to be undertaken in conjunction with the main redevelopment are necessary partly to facilitate the redevelopment works themselves, but moreover to improve the Castle's accessibility and to bring the existing Castle roof, aging heating and electrical systems, and both customer and staff health and welfare facilities up to modern standards.

ALTERNATIVE OPTIONS

Decide not to undertake the building works. However, this effectively means that the redevelopment project also cannot go ahead.

62. Half Yearly Performance Report including Progress on Strategic Plan Action Plan Priorities

The Head of Life Opportunities submitted a report a copy of which had been circulated to each Member together with minute 21 of the meeting of the Strategic Overview and Scrutiny Panel meeting of 15 January 2013.

Councillor Bentley, Chairman of Strategic Overview and Scrutiny Panel, attended and with the consent of the Chairman, addressed Cabinet in support of the Panel's recommendations. The Panel had undertaken a thorough review of the performance report to which all Panel members had contributed. Resolution (ii) sought greater clarity to ensure that Councillors and members of the public were better able to understand the figures when performance against indicators was reported. Resolution (iii) reflected concern across the Panel about the sickness figures and the Panel's desire to look into the causes of this. Recommendation (iv) reflected the need for the Council to ensure fair and inclusive access to Council services and locations.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, thanked the Panel for their thorough scrutiny of the report.

RESOLVED that:-

(a) The Performance Summary for the period up to the end of September 2012 at Appendix 1 of the Head of Life Opportunities' report be noted.

(b) The progress on the Strategic Plan Action Plan at Appendix 2 of the Head of Life Opportunities' report be noted.

(c) The recommendation of the Strategic Overview and Scrutiny Panel in respect of angling for the disabled at Highwoods Country Park and Castle Park at its meeting on 15 January 2013 be noted.

REASONS

Part of the Council's performance management framework includes the commitment to report our half yearly performance progress to Strategic Overview and Scrutiny Panel.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet in the light of the nature of the report.

63. The Re-Procurement of the Services Agreement at the Community Stadium

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

Councilor Smith, Portfolio Holder for Business and Resources, introduced the report and in particular drew attention to the innovative "Community Yield" scheme set out at paragraph 4.4 of the Head of Strategic Policy and Regeneration's report.

RESOLVED that:-

(a) Subject to the consideration of the full draft key financial items detailed in the exempt report by the Executive Director included in the agenda for this meeting, the decision of the CCSL Board to approve the draft proposed terms of the re-procured Services Agreement at the Community Stadium be ratified.

(b) Authority be delegated to the Executive Director Ian Vipond, in consultation with the Portfolio Holder for Business and Resources to advise the Board of the Council's view on any final amendments to the Services Agreement which should be substantially in accordance with the draft key financial items detailed in the exempt report together with any necessary consequential amendments to associated leases at the Community Stadium.

REASONS

In August 2008, following independent legal advice, the 5 year concessionary contract at the Community Stadium, in respect of conferencing and banqueting, together with estate management, and known as the Services Agreement, was awarded to Colchester United Football Club (CUFC).

This contract will expire in August 2013, and therefore requires re-procurement in early 2013. After consideration of all options and the potential terms, it is recommended that a ten year Services Agreement is agreed with CUFC.

ALTERNATIVE OPTIONS

Market test the services and seek another party to perform these services. This would now require a possible extension of one year to the existing Services Agreement to provide sufficient time to re-procure the original concession.

The Council could seek to advise the CCSL Board to renegotiate the terms of the draft Services Agreement on different terms but the current negotiation is believed to have achieved a significantly improved arrangement from the Council's perspective

Neither of the above alternative options was recommended.

64. Progress of Responses to the Public

The Head of Corporate Management submitted a progress sheet a copy of which had been circulated to each Member.

RESOLVED that the contents of the Progress Sheet be noted.

REASONS

The progress sheet was a mechanism by which the Cabinet could ensure that public statements and questions were responded to appropriately and promptly.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

The Cabinet/Panel resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

65. Building Works in Conjunction with Colchester Castle Redevelopment Project

The Head of Corporate Management submitted a report a copy of which had been circulated to each Member.

RESOLVED that the Council enter into a contract with the contractor named in the Head of Corporate Management's report to undertake the works.

REASONS

As set out in minute 61.

ALTERNATIVE OPTIONS

As set out in minute 61.

The Cabinet/Panel resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

66. Re-Procurement of the Services Agreement at the Community Stadium

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

RESOLVED that:-

(a) Subject to the consideration of the full draft key financial items detailed in the exempt report by the Executive Director the decision of the CCSL Board to approve the draft proposed terms of the re-procured Services Agreement at the Community Stadium be ratified.

(b) Authority be delegated to the Executive Director Ian Vipond, in consultation with

the Portfolio Holder for Business and Resources to advise the Board of the Council's view on any final amendments to the Services Agreement which should be substantially in accordance with the draft key financial items detailed in the exempt report together with any necessary consequential amendments to associated leases at the Community Stadium.

REASONS

As set out in minute 63.

ALTERNATIVE OPTIONS

As set out in minute 63.



Cabinet

6 March 2013

Item
7(i)

Report of	Monitoring Officer	Author	Andrew Weavers
Title	Council Governance Arrangements		☎ 282213
Wards affected	Not applicable		

This report requests Cabinet to recommend to Council amended Governance arrangements.

1. Decision Required

- 1.1 To recommend to Council that it approves the amended governance arrangements contained at paragraphs 4.3, 4.4 and 4.5 of this report.
- 1.2 To recommend to Council that it approves the amended Scheme of Delegation to Officers from Council, Planning Committee and Licensing Committee attached at Appendix 5 of this report.
- 1.3 To recommend to Council that the Monitoring Officer be given authority to make the necessary amendments to the Constitution following the approval of the proposals contained in this report.
- 1.4 To note the contents of the Scheme of Delegation to Officers by the Leader of the Council.
- 1.5 To delegate to the Leader of the Council authority to amend the calendar of meetings consequent upon the approval by Council of the proposals contained in this report.

2. Reasons for Decision(s)

- 2.1 At its meeting on 28 November 2012 Cabinet approved the final business case resulting from the Universal Customer Contact Fundamental Service Review. Part of the business case identified the need for a revised governance structure which aligned with the proposed organisational direction. This report details the required changes to the Council's governance and political decision-making arrangements.

3. Alternative Options

- 3.1 No alternative options are presented although Council could leave the current governance arrangements in place.

4. Proposals

- 4.1 Following the approval of the final business case of the Universal Customer Contact Fundamental Service Review the Council's governance arrangements are required to be aligned to ensure that both decision making and scrutiny are sound for the new way of working and the decisions required.

- 4.2 The proposed new political decision making process is as set out at Appendix 1 with the Policy Review and Development Panel being retained for the 2013/14 municipal year only.
- 4.3 Scrutiny will be a key element of the new arrangements. It is proposed that the Council merges the Strategic Overview and Scrutiny Panel and the Finance and Audit Scrutiny Panel and establishes one single Scrutiny Panel. This Panel would probably meet monthly and would deal with a range of scrutiny issues and deal with call-ins. The proposed terms of reference of the Scrutiny Panel are attached at Appendix 2. The number of members and composition of the Panel will be agreed at the Annual Meeting in May 2013.
- 4.4 A Trading Board is proposed which will be a panel of Council and would consider the trading issues of the Council as well as challenging and monitoring the Council's trading arrangements. The current two companies owned by the Council, together with the joint committee arrangements for the two traded services would also come within its remit. The membership of the Trading Board will not include any Cabinet Members. It would make recommendations to the Cabinet and Full Council on trading proposals. The proposed terms of reference of the Trading Board are attached at Appendix 3. In addition the Trading Board would have the ability to co-opt "external" members to give it additional commercial skills. However, the co-opted members would not have any voting rights. The number of members and composition of the Board will be agreed at the Annual Meeting in May 2013.
- 4.5 Following on from the merger of existing two Scrutiny Panels, the Council needs to decide how it discharges its regulatory functions. No changes are proposed for the Local Plan Committee, Planning Committee or Licensing Committee. However, this leaves the Accounts & Regulatory Committee and the Standards Committee. Accordingly it is proposed to create a Governance Committee which will be a committee of Council to deal with matters currently covered by both. The Governance Committee will deal with four areas: accounts and audit, governance, miscellaneous regulatory matters and standards. This arrangement will provide the opportunity for improved governance arrangements as these will now be dealt with by a single committee. The Scrutiny Panel will also act as the Council's Crime and Disorder Committee. The proposed terms of reference of the Governance Committee are attached at Appendix 4. The number of members and composition of the Committee will be agreed at the Annual Meeting in May 2013.
- 4.6 Another consequence of the implementation of the Universal Customer Contact Fundamental Service Review final business case is changes to the officer governance arrangements. The Chief Executive is currently implementing the new arrangements but a consequence of this is that the existing Scheme of Delegation to Officers requires amending. Recent changes contained in the Localism Act mean that the Scheme of Delegation to Officers is no longer from Cabinet but is now from the Leader of the Council. Attached at Appendix 5 are both the Scheme of Delegation to Officers from the Leader of the Council (which is for noting only) together with the Scheme of Delegation to Officers from Council, Planning Committee and Licensing Committee which requires ratification by Full Council.
- 4.7 The Council's approved calendar of meetings will require amending to reflect the new governance and political decision-making changes indentified at paragraphs 4.3 to 4.5 above. It is proposed that approval of the amended calendar of meetings be delegated to the Leader of the Council.
- 4.8 It is also proposed that Council delegates authority to the Monitoring Officer to make the necessary consequential changes to the Constitution in relation to the proposals contained in this report and required by the Localism Act.

4.9 The proposals contained above (with the exception of the Scheme of Delegation to Officers which will come into effect on 1 April 2013) will come into effect from the commencement of the new municipal year following the Annual Meeting on 22 May 2013.

5. Strategic Plan References

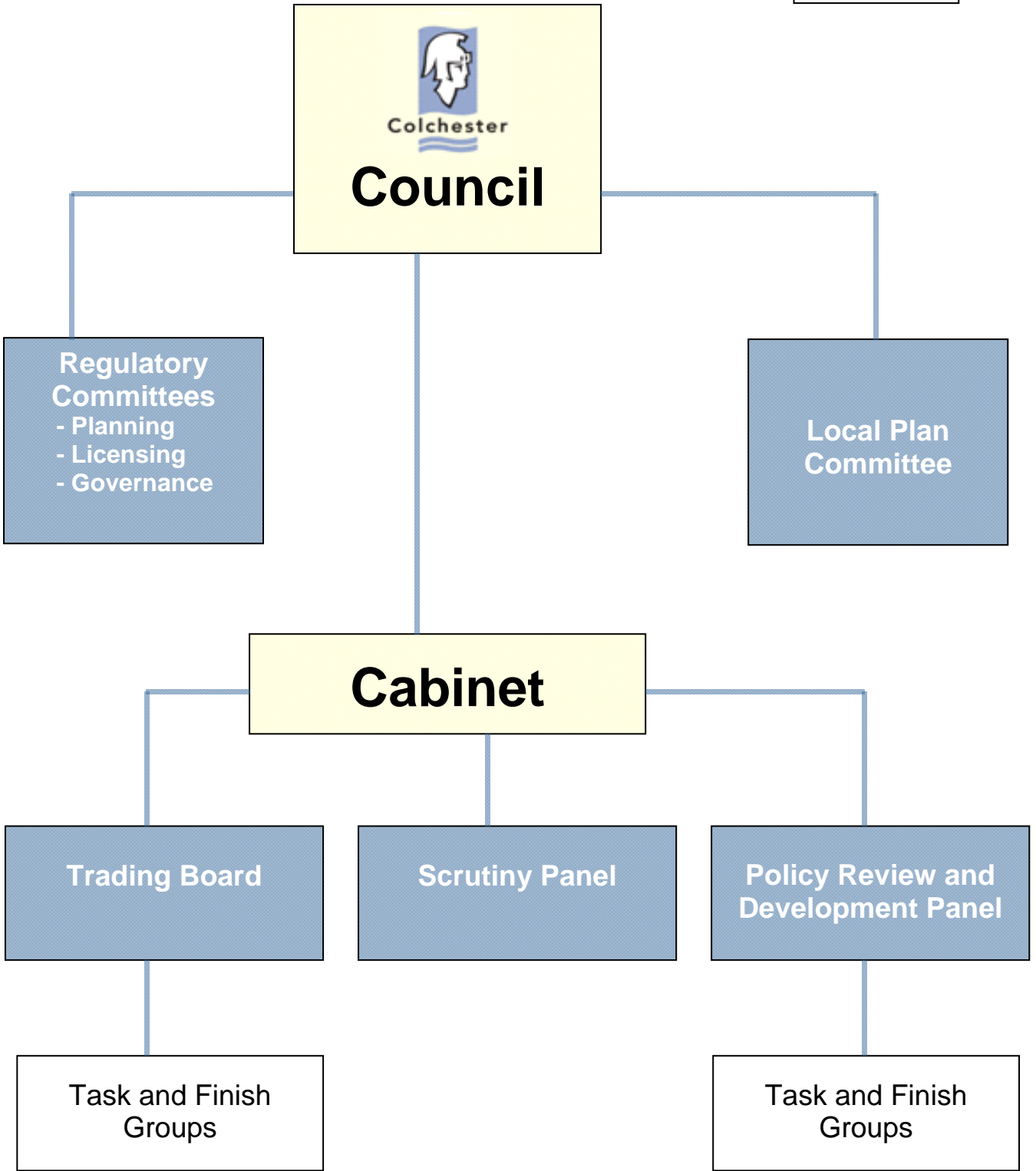
5.1 The manner in which Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to lead our communities in delivering high quality accessible services.

6. Publicity Considerations

6.1 The proposals contained in this report will be publicised by way of an amendment to the Constitution which is published on the Council's web site.

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

7.1 None.



Meeting	Membership	Terms of Reference
Scrutiny Panel	Councillors	<p>1. To fulfil all the functions of an overview and scrutiny committee under section 9F of the Local Government Act 2000 (as amended by the Localism Act 2011) and in particular (but not limited to):</p> <ul style="list-style-type: none"> (a) To review corporate strategies; (b) To ensure that actions of the Cabinet accord with the policies and budget of the Council; (c) To monitor and scrutinise the financial performance of the Council, performance reporting and to make recommendations to the Cabinet particularly in relation to annual revenue and capital guidelines, bids and submissions; (d) To review the Council's spending proposals to the policy priorities and review progress towards achieving those priorities against the Strategic and Implementation Plans; (e) To review the financial performance of the Council and to make recommendations to the Cabinet in relation to financial outturns, revenue and capital expenditure monitors; (f) To review or scrutinise executive decisions made by Cabinet, the North Essex Parking Partnership Joint Committee (in relation to decisions relating to off-street matters only) and the Colchester and Ipswich Joint Museums Committee which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure; (g) To review or scrutinise executive decisions made by Portfolio Holders and officers taking key decisions which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure; (h) To monitor the effectiveness and application of the Call-In Procedure, to report on the number and reasons for Call-In and to make recommendations to the Council on any changes required to ensure the efficient and effective operation of the process; (i) To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are not the responsibility of the Cabinet; (j) At the request of the Cabinet, to make decisions about the priority of referrals made in the event of the volume of reports to the Cabinet or creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business;

Meeting	Membership	Terms of Reference
<p>Scrutiny Panel</p>		<p>2. To fulfil all the functions of the Council's designated Crime and Disorder Committee ("the Committee") under the Police and Justice Act 2006 and in particular (but not limited to):</p> <ul style="list-style-type: none"> (a) To review and scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; (b) To make reports and recommendations to the Council or the Cabinet with respect to the discharge of those functions.

Meeting	Membership	Terms of Reference
Trading Board	Councillors and up to three (non voting) co-opted external persons.	<ul style="list-style-type: none"> a) Monitor and review activities and functions performed by the commercial services arm of the Council, significant income generating services, any trading arms and wholly or partly owned companies. b) Establish and report on high level performance and financial indicators agreed within the corporate performance statements or other agreements of performance entered into between the Council and the outside bodies and report to Cabinet on any areas which give rise to concerns. c) Oversee any new agreements entered into between the Council and the outside bodies for approval by Cabinet or Council. d) Consider and influence the composition of any new body or bodies created wholly or in part by the Council including their purpose; governance; operating model; business planning function; risk factors; and recommend approval for such new arrangements to Cabinet or Council. e) Ensure any Council capital investment and/or assets that are to be transferred to or used by an outside body for commercial purposes is properly specified, protected and used by the outside body for the purposes intended by form of recommendation to Cabinet or Council for approval. f) Monitor, challenge and confirm for Cabinet approval significant income generating services (£250,000 or above) whether delivered by the Council's owned or partly owned companies, trading arms or Council's own provided service for the purpose of increased income or whether the business opportunity is no longer viable in its current and ongoing form. g) Consider any proposed new/transfer or sale/purchase of company shares and make recommendations on these for approval by Council. h) Monitor, review and recommend to Cabinet or Council major and strategic opportunities for procurement of services from other companies, organisations, social enterprises and the voluntary and third sector. i) Receive regular reports of procurement agreements entered into including financial and service performance measures against those stated in the contract and bring any concerns or risks as recommendations to Cabinet.

Meeting	Membership	Terms of Reference
<p>Trading Board</p>		<p>j) Commission any actions or make recommendations to Council or Cabinet which will facilitate the Council's decision making and policy achievements in commercial services together with changes to governance arrangements of the outside body.</p> <p>k) Recommend to Cabinet steps for the Council to be represented at any stages, processes or meetings concerning the outside bodies including the exercise of any shareholder actions on the wholly or party owned Council company.</p>

Meeting	Membership	Terms of Reference
Governance Committee	Councillors	<p>Accounts and Audit</p> <p>(1) To consider and approve the Council's Statement of Accounts in accordance with the Accounts and Audit Regulations.</p> <p>(2) To consider and approve and where appropriate recommend to Cabinet all matters relating to the Council's financial accounts in accordance with eth Accounts and Audit Regulations.</p> <p>(3) To review the Council's external auditor's annual audit letter.</p> <p>Governance</p> <p>(4) As part of the Council's governance arrangements, to consider the findings of the annual review of governance (which includes a review of the effectiveness of the system of internal audit) and approve the signing of the Annual Governance Statement by the Leader of the Council and the Chief Executive in accordance with the Accounts and Audit Regulations.</p> <p>(5) To have an overview of the Council's control arrangements including risk management and in particular with regard to the annual audit plan, the audit work programme and progress reports and to make recommendations to Cabinet as appropriate.</p> <p>(6) To approve the policies contained in the Council's Ethical Governance Framework and to make recommendations to the Full Council regarding their inclusion in the Council's Policy Framework.</p> <p>Miscellaneous regulatory matters</p> <p>(7) To make recommendations to Council on the Council's functions contained in Parts D (elections), E (name and status of areas and individuals), F (making, amending, revoking, re-enacting or enforcing byelaws) G (promotion or opposing local or personal bills), of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).</p> <p>(8) To determine and approve Community Governance Reviews.</p> <p>(9) An overview of the Council's complaint handling procedure and Local Government Ombudsman investigations</p>

Meeting	Membership	Terms of Reference
<p>Governance Committee</p>	<p>Independent Persons and up to 3 Parish Representatives invited to attend meetings for standards issues (non-voting).</p>	<p style="text-align: center;">Standards in relation to Member Conduct</p> <p>(10) Promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council.</p> <p>(11) Advising the Council on the adoption or revision of the Members' Code of Conduct.</p> <p>(12) Advising and assisting Parish Council(s) and Councillors to maintain high standards of conduct.</p> <p>(13) Advising the Council on the adoption or revision of the Members' Code of Conduct.</p> <p>(14) To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the Council's assessment criteria.</p> <p>(15) Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct.</p> <p>(16) Advising, training or arranging to train Members and Co-opted Members on matters relating to the Members' Code of Conduct.</p> <p>(17) Assisting Councillors and co-opted Members to observe the Members' Code of Conduct.</p> <p>(18) To create a Hearings Sub-Committee to hear and determine complaints about Members and Co-opted Members referred to it by the Monitoring Officer.</p> <p>(19) To conduct hearings on behalf of the Parish and Town Councils and to make recommendation to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish or Town Councillor to comply with the Code of Conduct.</p> <p>(20) To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.</p> <p>(21) Advising the Council upon the contents of and requirements for codes/ protocols/ other procedures relating to standards of conduct throughout the Council.</p> <p>(22) To grant dispensations after consultation with the Independent Person pursuant to Sections 33(2) (b), (c) and (e) of the Localism Act 2011.</p> <p>(23) To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Sections 33(2)(a) and (d) of the Localism Act 2011.</p>

Meeting	Membership	Terms of Reference
Governance Committee		(24) To make recommendations to Council regarding the appointment of Independent Persons in accordance with section 28 (7) and (8) of the Localism Act 2011.

SCHEME OF DELEGATION TO OFFICERS

March 2013

The Leader of the Council has delegated to individual members of the Cabinet most of the executive powers of implementation within the confines of the Council's budget and policy framework.

In addition, the Council has delegated some of its regulatory powers to the Planning Committee, Licensing Committee and Governance Committee.

In order to ensure that business is conducted efficiently and that services are provided to the specified standards, the Council, the Leader of the Council, Planning Committee and Licensing Committee has delegated some of their powers to officers.

There are two schemes of delegation which have been approved by the Leader of the Council:

1. Powers delegated to Cabinet Members.
2. Powers delegated to officers.

The following conditions apply to the powers delegated to officers by the Leader of the Council, the Council, Planning Committee and Licensing Committee.

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 any policy of the Council as embodied in a formal resolution and recorded in the minutes of the Council or Cabinet.
3. All Key Decisions taken under this scheme are subject to the Call-in Procedure.
4. No officer 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.
5. An officer 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.
6. In exercising delegated powers, an officer 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.
7. No action may be taken which is contrary to the Council's Constitution.
8. 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 officer.

9. 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 Council as a recommendation.
10. Powers delegated to an officer may be exercised by another officer acting on behalf of the named officer, provided the latter has authorised the other officer so to act.
11. The Proper Officer may require that a decision which may be taken by an officer under this scheme shall be referred to the Council, the Leader of the Council or the Committee, as appropriate, for determination.
12. An officer exercising delegated powers in respect of any Key Decision 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 the approved manner.

Note Any reference to an Act of Parliament or Statutory Instrument shall include any statutory amendment or modification thereof.

C O N T E N T S

SCHEME OF DELEGATION:-	LEADER	COUNCIL	PLANNING	LICENSING
<u>Officer</u>	<u>Page</u>	<u>Page</u>	<u>Page</u>	<u>Page</u>
Chief Executive				
Chief Executive, Directors, Chief Operating Officer and all Heads of Service				
Head of Customer Services				
Head of Professional Services				
Head of Operational Services				
Head of Community Services				
Head of Commercial Services				
Assistant Chief Executive Corporate & Resource Services				
Monitoring Officer				
Section151 Officer				

SCHEME OF DELEGATION BY THE LEADER OF THE COUNCIL TO OFFICERS

Delegated to the Chief Executive

GENERAL

1. To act as District Controller in all emergency matters.
2. To implement the electoral registration function.

HUMAN RESOURCES

1. The implementation of locally determined pay awards to the employee group in accordance with the Council's agreed pay strategy for Council employees.
2. To hear and determine all appeals by employees relating to dismissal following the Council's Disciplinary Procedures.

Delegation to Directors and Chief Operating Officer

Where matters have been delegated in this Scheme to named Heads of Service, the delegation may also be exercised by a Director or the Chief Operating Officer.

Delegated to the Chief Executive, Directors, Chief Operating Officer and all Heads of Service

FINANCIAL RESOURCES

1. To authorise financial remedies or compensation including; waiver or reduction of fees, ex-gratia or goodwill payments up to £3000 (Chief Executive) or £1000 (Heads of Service).
2. To incur revenue expenditure and recover revenue income up to the levels contained in the annual estimates of expenditure and income or any other approved revisions thereto.
3. To purchase works, supplies and services included in the approved capital programme.
4. To dispose of surplus or obsolete equipment, plant, vehicles and stock on the most favourable terms in accordance with the Council's Financial Regulations.
5. When a contract is won in open competition with another local authority or public body, following acceptance of the tender, power to offer to amend the tender sum if the authority or body is prepared to waive the requirement of a performance bond.
6. To employ such sub-contractors as may be required to fulfil all obligations entered into by the Council.
7. To purchase such works, supplies or services required to fulfil all obligations

entered into by the Council.

HUMAN RESOURCES

1. Subject to corporate policies and standards, to determine staffing levels for services within their Groups, including variations to meet budgetary and business plan requirements and to maintain efficient and effective services.
2. Subject to corporate policies and standards to determine recruitment, training and dismissal of staff.
3. Subject to corporate policies and standards to approve secondary employment, leave, overtime, training courses, membership of and attendance at professional bodies, granting of ex-gratia payments up to £1000 (Chief Executive) or £500 (Heads of Service) to staff for damage and/ or destruction of personal items resulting directly from their employment.

GENERAL

1. In respect of every function of the Council, power to serve Notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requiring information on interests in land.
2. To select shortlists of contractors to be invited to tender for contracts with the Council from those available pursuant to the Contract Procedure Rules.
3. Power to authorise requests in relation to applications for, renewal of and cancellation of covert or directed surveillance in accordance with the Regulation of Investigatory Powers Act 2000. Any application that involves any confidential material (as defined within the Act) must be authorised personally by the Chief Executive.

CUSTOMERS

1. To manage customers demand for Council services and the availability of multi-channel service delivery via the Council's on-line processes and customer service centre via the Council's customer relationship management systems.
2. To manage the Council's triage function for customers to ensure they receive the level of service their request and need deserves.
3. To manage the Council's corporate complaint handling process.

TAX COLLECTION

The collection and recovery of any Council Tax, rates or residual community charge payable and to carry out or make appropriate arrangements for the carrying out of all the Council Tax, rating and residual community charge functions of the Council including the following powers in respect of Council Tax, residual community charge and national non-domestic rating:-

Council Tax and Residual Community Charge

- To impose and/or quash penalties.
- To take summary proceedings in the Magistrates Court for recovery (including penalties).
- To exercise distraint, issue requests for information, apply for attachment of earnings orders, deduction from income support, committal to prison and to issue winding up/bankruptcy proceedings and charging orders.
- To select and appoint bailiffs and tracing agents.
- To refund all payments and interest where appropriate.
- To estimate occupancy level for collective community charge when the landlord has defaulted.
- To execute arrest warrants issued by the Magistrates' Court and to select and appoint suitably qualified contractors if necessary.

National Non-Domestic Rating

- To take summary proceedings in the Magistrates Court for recovery.
- To exercise the Council's power of distraint, committal to prison, bankruptcy/winding up proceedings.
- To select and appoint bailiffs and tracing agents.
- To refund all payments and interest where appropriate.
- To grant allowances under section 44A of the Local Government Finance Act 1988.
- To grant discretionary relief under section 47 of the Local Government Finance Act 1988 within criteria set down by the Council.
- To reduce or remit liability on the grounds of hardship under section 49 of the Local Government Finance Act 1988 within criteria set down by the Council.
- To execute arrest warrants issued by the Magistrates' Court and to select and appoint suitably qualified contractors if necessary.

BENEFITS

1. To operate and administer the Council Tax Support Scheme, including the recovery or waiving of overpayments, and to determine whether to accept late applications (i.e. backdating of support) where appropriate. To also consider topping up payment to vulnerable people who demonstrate exceptional hardship and who are not in receipt of maximum Council Tax Support.
2. To operate and administer the and the Council Tax Benefit Scheme and the recovery of overpayment Council Tax Benefit and including the waiving of recovery of overpayments and to accept late applications (including consideration of backdating of benefit) where appropriate and to top up the benefit payable to the most vulnerable who are not in receipt of maximum benefit.
3. To operate and administer the Housing Benefit Scheme and the recovery of overpayment Housing Benefit and including the waiving of recovery of overpayments and to accept late applications (including consideration of backdating of benefit) where appropriate and to top up the benefit payable to the most vulnerable who are not in receipt of maximum benefit.
4. The use of debt collection agencies to recover Housing Benefit and Council Tax Benefit overpayments.
5. To commence legal proceedings for the recovery of Housing Benefit overpayments and in cases of fraud.
6. To operate the Council's welfare rights advice service and Macmillan advice service (in accordance with the agreed contractual arrangements).

GENERAL

1. To administer electoral registration and manage the elections function.
2. To operate the local land charges service.

ENVIRONMENTAL PROTECTION

1. Power to agree payments for compensation arising under section 20 of the Public Health (Control of Disease) Act 1984, up to the limit prescribed in the Council's Financial Management Procedures for payments from the Insurance Provision, when satisfied by the Section 151 Officer that the claims are reasonable and justified.

2. To administer relevant environmental protection provisions, give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same or incorporating them and under any order or regulations made under the said Act or Acts:

Anti-Social Behaviour Act 2003
Building Act 1984
Clean Air Act 1993
Clean Neighbourhoods & Environment Act 2005
Control of Pollution Act 1974
Dogs Act 1871
Dangerous Dogs Act 1991
Dangerous Dogs Act (Amendment) 1997
Dogs (Fouling of Land) Act 1996
Environment Act 1995
Environmental Protection Act 1990
Environmental Damage (Prevention and Remediation) Regulations 2009
Essex Act 1987
Local Government Act 1972
Local Government Miscellaneous Provisions Act 1976
Local Government Miscellaneous Provisions Act 1982
Noise & Statutory Nuisance Act 1993
Pollution, Prevention & Control Act 1999
Prevention of Damage by Pests Act 1949
Private Water Supplies Regulations 2009
Public Health Act 1936
Public Health Act 1961
Water Industries Act 1991

Health and Safety at Work etc Act 1974
Food Safety Act 1990
European Communities Act 1972 and legislation made thereunder
Sunday Trading Act 1994
Health Act 2006

3. Power to object to applications for consent to discharge under section 119 of the Water Industry Act 1991.

4. To authorise works being carried out in default up to a maximum cost of £5,000 in cases where a breach of legislation can be remedied by the Council carrying out works in default.

5. Control of the drainage of paved areas under section 84 of the Building Act 1984.
6. Power to take such action as may be necessary to deal with dangerous trees under section 23 of the Local Government (Miscellaneous Provisions) Act 1976 and to appoint other named officers to enter land to ascertain whether action should be taken under section 23 of the Act.
7. Power to take appropriate action under the Safety at Sports Grounds Act 1975 (as amended) following consultation with Essex County Council and Essex Police.
8. Service of Notices under section 262 of the Public Health Act 1936 relating to culverting of watercourses and ditches, and the institution of legal proceedings where Notices are not complied with after consultation with the Ward Councillors.
9. Power to reply to consultations from Essex County Council on licences for the disposal of refuse.
10. Arrangements for funerals under the Public Health (Control of Disease) Act 1984.
11. Take all necessary legal action required to enforce the provisions of relevant legislation relating to the following environmental protection functions:
 - Air quality
 - Contaminated land
 - Culverting of watercourses and ditches
 - Smoke from bonfires
 - Determination of applications for the installation of boilers, furnaces and chimneys
 - Filthy and verminous premises, articles and persons
 - Houseboats
 - Noise from construction sites
 - Noise in the street
 - Obstructed, blocked or defective drains and private sewers and/or insufficient provision of drainage
 - Overflowing cesspools and septic tanks
 - Prescribed processes liable to give rise to air pollution
 - Prevention of damage by pests
 - Private Water Supplies
 - Re-securing empty or unoccupied buildings
 - Statutory nuisances
 - Surface water drainage
 - Water supply
 - Employment of persons relating to health and safety at work in premises
 - Sunday trading
 - Licensing, registration and hygiene standards of food premises and other commercial or domestic premises
 - Quality, safety and content of food produced, sold or stored within the Borough of Colchester
 - Control of infectious diseases

- Port Health matters
 - Dog control
 - Pest control
 - Sale or keeping of animals
12. To administer relevant anti-social behaviour provisions, give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same and under any order of regulations made under the said Act or Acts:
- Anti Social Behaviour Act 2003
 - Crime & Disorder Act 1998
 - Criminal Justice & Police Act 2001
 - Criminal Justice & Public Order Act 1994
 - Housing Act 1996
 - Local Government Act 1972
 - Local Government Act 2000
 - Police & Justice Act 2006
 - Policing and Crime Act 2009
 - Protection from Harassment Act 1997
 - Serious Organised Crime & Police Act 2005
13. To take all necessary legal action required to enforce the provisions of relevant legislation relating to the following anti-social behaviour control functions:
- Behaviour which causes alarm, distress or harassment to persons not of the same household
 - Unauthorised Encampments of Gypsies or travellers
14. To act as lead officer for the Council in accordance with the Essex Countywide Traveller Joint Committee Agreement.
15. Power to serve notices under section 19, commence legal proceedings under section 20 and provide certificates under section 22 of the Criminal Justice and Police Act 2001 in relation to closure orders where there are suspected unauthorised sales of alcohol or breach of licence conditions or unauthorised licensable activities taking place at premises.

PRIVATE SECTOR HOUSING

1. To authorise works being carried out in default up to a maximum cost of £5,000 in cases where a breach of legislation can be remedied by the Council carrying out works in default.
2. To exercise the powers available under the provisions of Parts 1, 2, 3 and 4 of the Housing Act 2004 ("the 2004 Act") and any orders or regulations made in respect of private sector housing and in particular to:
 - administer the relevant enforcement provisions and serve notices or orders including taking emergency remedial action in appropriate cases as provided

- for in Part 1 of the 2004 Act
 - be the Proper Officer for the purposes of section 4(2) of the 2004 Act (dealing with official complaints)
 - impose reasonable charges for enforcement action as allowed for by Section 49 of the 2004 Act
 - administer the relevant licensing provisions and determine applications for licences as provided for in Part 2 or Part 3 of the 2004 Act
 - administer the additional control provisions in relation to residential premises including the application of management orders, empty dwelling management orders and overcrowding notices as provided for in Part 4 of the 2004 Act
 - approve and enter into such nomination, management and other agreements as shall be necessary for the purpose of implementing management orders or empty dwelling management orders under Part 4 of the 2004 Act.
 - authorise officers to enter premises in connection with their duties under sections 131, 239, 243(3) and paragraph 3(4) of Schedule 3 and paragraph 25 of Schedule 7 of the Act and to authorise officers to require documents to be produced under section 235 of the 2004 Act
 - take appropriate enforcement action in accordance with the provisions of the Act to recover any costs, expenses, fees or other monies due to the Council from actions taken under the provisions of the 2004 Act
 - determine applications for HMO licences under Part 2 of the 2004 Act
 - grant, revoke or vary such licences and issue any necessary notices or certificates for those purposes
 - grant temporary exemption from licensing under section 62 of the 2004 Act
 - determine the conditions that should be attached to HMO licences that are granted or varied
 - exercise the enforcement provisions in respect of the licensing of HMO's set out in Part 2 of the 2004 Act
 - the implementation of the transitional arrangements for HMO licensing under section 76 of the 2004 Act and the issue of any necessary notices or certificates
3. To administer relevant private sector housing provisions, give directions, serve notices, enforce, carry out work in default, issue formal cautions and to lay information and complaints to Court in relation of offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made under the said Act or Acts:
- Public Health Act(s) 1936 and 1961
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Building Act 1984
 - Housing Act 1985
 - Environmental Protection Act 1990
4. To administer the provisions of the Colchester Borough Council (Registration of Houses in Multiple Occupation) Control Scheme .

PRIVATE SECTOR HOUSING

1. The determination of applications for housing advances.

2. To reclaim money recoverable where conditions relating to house renovation grants are not met, subject to a right of appeal to the appropriate Cabinet Member.
3. To administer the provisions of the Council Financial Assistance Policy for Private Sector Housing including Disabled Facilities Grants, Disabled Facilities Assistance, Home Safety Grants, Home Repair assistance, Home Renovation Assistance, Landlord energy Efficiency Grants, HMO Fire Safety Grants, Landlord Renovation Grants and Landlord Empty Property Loans and in particular to determine all applications, authorize payment of grants or loans, issue certificates, reclaim monies where conditions relating to grants or loans are not met or when a property is sold.

PUBLIC SECTOR HOUSING

1. The assessment of housing need of applicants admitted to the Housing Needs Register, the allocation of tenancies of Council dwellings, the nomination of applicants for tenancies of Registered Social Landlord dwellings.
2. To use any Council dwellings within the Housing Revenue Account for the purposes of Part VII of the Housing Act 1996 and to use bed and breakfast accommodation for homeless families in cases of emergency.
3. Determination of applications relating to homelessness under Part VII of the Housing Act 1996.

GENERAL

1. To act as the Appointing Officer under the Party Wall etc Act 1996.
2. To make objections to the registration of Goods Vehicle Operating Centres pursuant to the approved policy.

WASTE COLLECTION

1. Power to take action within the approved budget and policy objectives of the Council in relation to domestic refuse collection, trade waste collection, recycling, composting, workshops, fleet and toilets.
2. Service of notices under section 46 of the Environmental Protection Act 1990 for the provision of waste receptacles including the issuing of fixed penalty notices and prosecution if necessary.
3. To negotiate and agree contracts for the sale of material collected for recycling or salvage and from time to time to review the operation of such contracts to determine that best value is being achieved in relation to the Council's objectives.

SPORT AND LEISURE - GENERAL

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to the management and maintenance of sport and leisure facilities including Colchester Leisureworld and joint sports use facilities in the Borough
2. Power to agree minor amendments to fees and charges relating to sport and leisure services in response to changes in market forces.

TRAFFIC MANAGEMENT & PARKING

1. Temporary road closures under the Town Police Clauses Act 1847 in connection with functions, after consultation with Essex County Council and the Police.
2. To consolidate into a single order any waiting restriction orders currently in force when amendments to waiting restrictions in the villages are proposed.
3. Power to approve and rescind Traffic Regulation Orders relating to disabled parking bays under the Road Traffic Regulation Act 1984.
4. Day to day management of car parks, residents' parking schemes and decriminalised parking including determination of applications from organisations for the short term use of car parking spaces on public car parks which are similar to applications previously agreed by the appropriate Cabinet Member.
5. To enable management of parking under appropriate sections of legislation, a power to make or vary Off Street Car Park Orders and Traffic Regulation Orders under either the Road Traffic Regulation Act 1984 or the Traffic Management Act 2004 (as appropriate).
6. To consolidate into a single order any waiting restriction orders currently in force when amendments to waiting restrictions in the villages are proposed.

7. Power to approve and rescind Traffic regulation Orders relating to disabled parking bays under the Road Traffic Regulation Act 1984.
8. To act as lead officer in accordance with the North East Essex Parking Partnership Joint Committee Agreement.

ZONES

1. To manage the Council's zone teams in order to improve local streets through street cleaning, litter collection, dog fouling and street care including abandoned cars and graffiti. In addition to provide environmental education, support, advice and enforcement to encouraging positive behaviour change and support local communities as part of consultation work and help coordinate and promote community events
2. Power to serve notices under sections 92 and 93 of the Environmental Protection Act 1990 in relation to Litter Abatement Notices and Street Litter Control Notices subject to report to appropriate Cabinet Member on action taken.
3. Power to take all necessary action under the following sections of the Highways Act 1980:-

Section

25	To respond to consultations concerning creation of footpath or bridleway by agreement
151	Soil washed on to streets
152	Removal of projections from buildings
153	Opening of doors on to streets
154	Cutting or felling trees
164	Removal of barbed wire
165	Dangerous land
166	Forecourt abutting street
174	Execution of street works
179	Control of construction of cellars
293 & 294	Powers of entry
296	Execution of works
297	Information as to ownership of land
305	Recovery of expenses

4. Power to take all necessary action in relation to vehicles for sale on a road and vehicles being repaired on a road under sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005
5. Power to take appropriate action regarding abandoned vehicles under sections 3, 4 and 5 of the Refuse Disposal (Amenity) Act 1978 (as amended by the Clean Neighbourhoods and Environment Act 2005).
6. Power to erect suitable Notices on grass verges etc under section 6 of the Essex Act 1987.
6. Power to arrange for the removal of vehicles on grass verges etc under section 6 of the Essex Act 1987.

COMMUNITY SAFETY

1. To carry out projects on behalf of the community safety partnership and devise and initiate projects that address crime and disorder in the Borough.

ARTS AND CULTURE

1. Power to take action within the approved budget and policy objectives of the Council in relation to management and funding of the Mercury Theatre, Colchester Arts Centre, Firstsite and any similar organisations.
2. Power to take action within the approved budget and policy objectives of the Council in relation to the promotion and encouragement of events of cultural and artistic merit.

PARKS AND RECREATION

1. Power to take action within the approved budget and policy objectives of the Council in relation to the promotion and encouragement of recreational events.
2. Power to take action within the approved budget and policy objectives of the Council in relation to liaison with voluntary organisations and clubs in the development and use of sporting and recreational facilities.
3. The granting of easements, way leaves, licences and sale of small areas of parks and recreation land.
4. Letting of beach hut sites and administration thereof other than fixing of charges.
5. Letting of open spaces, allotments and recreation grounds other than fixing of charges.
6. Granting free use of open spaces and recreation grounds to charitable, voluntary and non-profit making organisations.
7. Refusal of applications for the purchase of land held as open spaces, recreation grounds and allotments.
8. Acceptance or refusal of open space donated to the Council in accordance with the conditions of planning consents.
9. Power to take such action as considered necessary to deal with dangerous trees on land under the operational management of the Council.
10. All matters relating to the enforcement of and prosecution of alleged offenders relating to all leisure relating byelaws made by the Council and in particular:-
 - (a) The Maldon District and Colchester Borough Byelaws relating to the River Blackwater made by the Maldon District Council and the Council and confirmed on 21 July 1999.
 - (b) The byelaws for the proper regulation of the speed of pleasure boats within the Harbour of Colchester made by the Council on 7 June 1972

and confirmed on 26 March 1973 (as amended by the byelaws made on 10 June 1985) and confirmed on 19 July 1985.

(c) The Seashore byelaws made by the Council on 29 August 2001 and confirmed on 5 November 2001.

11. To provide play equipment on play areas.
12. Power to take action under the Wildlife and Countryside Act 1981.
13. Granting and management of mooring rights in the River Colne.

PUBLIC PROTECTION

1. Day to day operation of markets and the granting of Christmas markets.
2. Fixing and levying of charges in accordance with Council policy in relation to street trading.
3. The granting, suspension or revocation of street trading licences.

COMMUNITY

1. Power to take action within the approved budget and policy objective of the Council in relation to the management and maintenance of Activity Centres for the purpose of providing activities for older people.

COMMUNITY PARTNERSHIPS

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to:
 - a) the promotion of Community Partnerships
 - b) the management and maintenance of the Community Partnerships Team
 - c) the Responsible Authorities Group.

PARTNERSHIP WORKING

1. To represent the Council's interests on the Members' Council of Colchester Hospital University NHS Foundation Trust in the absence of the Portfolio Holder.
2. To represent the Council's interests on the North East Essex Children's Trust Board and the Health and Wellbeing Board.
3. To represent the Council's interests on any partnership with which the Council may be involved from time to time.

TOURISM

1. Power to take action within the approved budget and policy objective of the Council in relation to the management and maintenance of a Visitor Information Centre and the promotion of the Borough for tourism purposes.

MUSEUMS

1. Power to take action within the approved budget and policy objectives of the Council in relation to the museum service.
2. Agreement of reproduction and copyright fees in respect of museum items.
3. Power to take action within the approved budget and policy objectives of the Council in relation to the presentation, conservation and/or restoration of archaeological sites and monuments.
4. Power to take action within the approved budget and policy objectives of the Council in relation to the care of the Council's art collection and artifacts.
5. Power to agree minor amendments to fees and charges relating to museum services in response to changes in market forces after consultation with the appropriate Cabinet Member.
6. To act as lead officer for the Council in accordance with the Colchester and Ipswich Joint Museums Committee Agreement.

SAFEGUARDING

1. To act as the Council's designated Safeguarding Lead Officer.
2. To act as the Council's Lead Counter Signatory to the Disclosure and Barring Service.
3. To ensure that the Council complies with its equality and diversity responsibilities.

Delegated to the Head of Commercial Services

SPATIAL POLICY

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to:
 - (a) Local Plan and Neighbourhood Planning functions;
 - (b) development of policy for the provision of homes, jobs and places to create sustainable communities;
 - (c) development of policy and project implementation with regard to planning and transportation.
2. Power to take action under the Conservation (Natural Habitats) Regulations 1994.

HOUSING POLICY

1. Power to take action within the approved budget and policy objective of the Council in relation to housing strategies.
2. Power to take action within the approved budget and policy objective of the Council in relation to the dissemination of information regarding all housing matters.
3. To act as lead officer for the Council in accordance with the Management Agreement dated 11 August 2003 between the Council and Colchester Borough Homes Limited (as amended and varied from time to time).
4. To manage the Housing Revenue Account budget.

WASTE POLICY

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to development of policy and project implementation with regard to waste

TOURISM POLICY

1. Power to take action within the approved budget and policy objectives of the Council in relation to liaison with other tourist agencies and the development of tourism policies.

CEMETERY & CREMATORIUM

1. Power to take action within the approved budget and policy objectives of the Council in relation to the cemetery and crematorium.
2. The granting of Rights of Burial at the cemetery other than the fixing of charges.

COMMUNITY ALARMS

Power to take action within the approved budget and policy objective of the Council in relation to the management and provision of the Council's community alarm (Helpline) service for the elderly.

CCTV

Power to take action within the approved budget and policy objective of the Council in relation to the management and provision of the Council's CCTV system to contribute to the reduction of crime and disorder in Colchester.

ENTERPRISE

Power to take action within the approved budget and approved policy objectives of the Council in relation to the promotion of economic development

REGENERATION

Power to take action within approved programme, budget and policy objectives of the Council in relation to regeneration activities across the Borough as a whole and specifically in the four main regeneration areas: St Botolph's, East Colchester, North Colchester and the Garrison

PROPERTY

1. To grant licenses, easements and way leaves and agree the sale of small areas of land and electricity sub-station sites.
2. To manage and let land or property held in advance of the Council's requirements and held for investment purposes.
3. To let and assign leases in respect of shops on Council housing estates.
4. To grant leases on the Council's industrial estates after consultation with the appropriate Cabinet Member.
5. To negotiate and agree rent reviews on the Council's leasehold properties.
6. Power to take action within the approved budget and approved policy objectives of the Council in relation to the management and maintenance of the Council's assets.

BUILDING REGULATIONS

1. The approval, disapproval or rejection of plans for the purposes of building regulations and power to dispense with or relax building regulations under statutory requirements.
2. Power to take appropriate action under sections 7 and 13 of the Essex Act 1987

relating to building regulations.

3. Power to take appropriate action under section 77 and 78 of the Buildings Act 1984 in respect of dangerous buildings.
4. Power to take appropriate action and to serve counter-notices relating to the demolition of buildings under sections 80 and 81 of the Buildings Act 1984.

TOWN TWINNING

Power to take action within the approved budget and policy objective of the Council in relation to town twinning (except civic aspects).

GENERAL

Power to take appropriate action under Part II of the Land Drainage Act 1991 (facilitating or securing the drainage of land or dealing with flooding).

ASSETS OF COMMUNITY VALUE

To manage and administer the Council's Register and process in relation to Assets of Community Value under the Localism Act 2011.

**Delegated to the Assistant Chief Executive
Corporate & Resource Services**

ENVIRONMENTAL PROTECTION

1. To apply for an injunction to prevent the occurrence of indoor or outdoor entertainments (or similar events) where, in the opinion of the Head of Professional Services, there is risk that a nuisance or a hazard to health and/or safety may be created and to give an undertaking in damages to a court if required.
2. Power to institute legal proceedings under the Dogs (Fouling of Land) Act 1996.
3. To prosecute applicants for hackney carriage and private hire licences who give false information on their application forms.
4. Power to institute legal proceedings under the Shops Act 1950 and the Sunday Trading Act 1994.
5. Power to institute legal proceedings under legislation relating to the quality, safety and content of food.
6. Power to institute legal proceedings under the Environmental Protection Act 1990 in relation to litter control subject to a report to appropriate Cabinet Member on action taken.
7. Power to institute legal proceedings in respect of the unauthorised disposal of trade refuse at Civic Amenity Sites.

GENERAL

1. Power to administer and effect changes in Members' Allowances consequent upon Councillors' and any co-opted persons' appointment changes.
2. Power to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Proper Officer considers that such action is necessary to protect the Council's interests.
3. Power to authorise appearances in Court pursuant to section 60(2) of the County Court Act 1984 and section 223 of the Local Government Act 1972 on behalf of the Council.
4. Power to designate officers of the Council or nominated third parties who are performing statutory functions on behalf of the Council as 'authorised officers' for the purposes of carrying out any of the Council's functions under statutory enactments or regulations as may be relevant to that officer including the appointment and authorisation of inspectors under Section 19 of the Health and Safety at Work etc. Act 1974.
5. To institute proceedings where the requirements of Notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requiring information on interests in land are not complied with within the statutory time limits.

6. Power to make an application for an Anti- Social Behaviour Order under section 1 of the Crime and Disorder Act 1998.
7. Power to institute proceedings relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978(as amended by the Clean Neighbourhoods and Environment Act 2005).
8. To act as registrar of Local Land Charges.

HIGHWAYS

1. Power to take prosecutions arising out of Section 6 of the Essex Act 1987 (damage to grass verges etc).
2. Power to prosecute offences under Paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 relating to illegal street trading.
3. Authority to determine house numbering and street names under sections 64 and 65 of the Town Improvement Clauses Act 1847 where there are no objections and power to object to a suggested street name.
4. Authority to alter the names of streets in accordance with section 21 of the Public Health Act Amendment Act 1907.

HUMAN RESOURCES

1. The signing and issuing of all contracts of employment and of any associated terms and conditions
2. To manage the process in relation to employees grievances and dismissals
3. To approve regradings following evaluation in accordance with the approved job evaluation scheme.
4. To authorise agreements in respect of applications made to the Advisory Conciliation and Arbitration Services. These agreements to be only used in instances where there are pending employment tribunal claims and with the prior agreement of the relevant Head of Service. Each agreement must be supported by the appropriate analysis which clearly defines the business benefits of the agreement.
5. To manage and administer the Council's payroll system.
6. To manage employee health and safety.

PUBLIC SECTOR HOUSING

1. After consultation with the Head of Professional Services, to commence injunction proceedings against tenants causing nuisance/annoyance to their neighbours where he/she is satisfied upon evidence that it is appropriate to do so.

FINANCIAL RESOURCES

1. The operation of the Collection Fund including the power to invest surplus monies and to borrow to cover any shortfall in monies required by the Fund.
2. To implement variations to the interest rates chargeable on all Council mortgages and to determine the date for implementation in accordance with the notifications received from the Secretary of State subject to the appropriate Cabinet Member being informed of the action taken.
3. The Council's Treasury Management Function in accordance with the approved Treasury Policy Statement.
4. Matters relating to procurement and the Council's procurement strategy.
5. Authority to exercise discretion to agree such arrangements as are considered appropriate with borrowers in arrears to assist them in meeting their mortgage obligations.

ICT

1. To act as client under the ICT outsource contract with CAPITA.
2. To act as client under the telephony contract with Virgin Media.
3. To manage confidentiality, integrity and availability of ICT systems.
4. To manage and co-ordinate responses in relation to freedom of information and data protection requests.

Delegated to the Monitoring Officer

GENERAL

1. To respond on behalf of the Council to all enquiries from the Local Government Ombudsman and Housing Ombudsman including the determination of levels of compensation payable in respect of local settlements.
2. To agree with Heads of Service responsibility for any other Acts or regulations that may be relevant to the Heads of Services' area and to maintain a written record of such delegations.
3. Power to designate officers of the Council or nominated third parties who are performing statutory functions on behalf of the Council as 'authorised officers' for the purposes of carrying out any of the Council's functions under statutory enactments or regulations as may be relevant to that officer including the appointment and authorisation of inspectors under Section 19 of the Health and Safety at Work etc Act 1974.
4. Power to authorise appearances in Court pursuant to section 60(2) of the County Court Act 1984 and section 223 of the Local Government Act 1972 on behalf of the Council.
5. Power to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Proper Officer considers that such action is necessary to protect the Council's interests.
6. To sign on behalf of the Council all Inland Revenue Land Transaction Return Forms, Land Registry declarations and forms and Court declarations and forms.

Delegated to the Section 151 Officer

1. Authority to write-off individual bad Council Tax and Community Charge debts up to £5,000.
2. Authority to write-off individual bad National Non-Domestic Rate debts up to £5,000.
3. Authority to write-off individual irrecoverable Housing Benefit Overpayments up to £5,000.
4. Authority to write-off individual bad debts not exceeding £5,000.

SCHEME OF DELEGATION TO OFFICERS BY THE COUNCIL, PLANNING COMMITTEE AND LICENSING COMMITTEE

SCHEME OF DELEGATION TO OFFICERS BY THE COUNCIL

Delegated to the Chief Executive

ELECTIONS

1. To act as the Electoral Registration Officer.
2. To act as the Returning Officer for the following elections: Borough Council, Parish Council, County Council, Parliamentary and European Parliamentary elections.
3. All other functions relating to elections and electoral registration
4. Fees for and conditions of supply of elections documents.

GAMBLING ACT 2005

1. Power to request a review of Premises Licences.

Delegated to Directors, Chief Operating Officer and Heads of Service

1. Power to appoint officers for particular purposes (appointment of "Proper Officers").
2. Power to appoint staff (below Head of Service level), and to determine the terms and conditions on which they hold office (including procedures for their dismissal).
3. Power to make payments or provide benefits in cases of maladministration.

Delegated to the Section 151 Officer

1. Functions relating to local government pensions.
2. Duty to make arrangements for proper administration of financial affairs etc.
3. Power to make and amend Financial Regulations.

SCHEME OF DELEGATION TO OFFICERS BY THE PLANNING COMMITTEE

Delegated to the Head of Commercial Services

1. The determination of all “Major Applications” meaning those applications which are of significant size, complexity or strategic importance to the Borough due to the number of residential units, the impact of commercial development or employment opportunities within the Borough. (These types of applications will necessitate close working with Planning Policy where there is likely to be Local Plan implications) Including changes of use and all applications for Listed Building Consent, Conservation Area Consent, Certificates of Lawfulness, applications for the determination as to whether prior approval of details is required, consent to display advertisements and other notifications) except any application:
 - (a) contrary to adopted policies or provisions of the development plan, and which is recommended for approval;
 - (b) which any Councillor requests in writing to the Head of Commercial Services within 21 days of the date of the weekly list circulating details of the application, should be subject of consideration by the Committee;
 - (c) which constitutes a major application on which a material planning objection(s) (including those from Parish/Town Councils and statutory consultees) has been received in the stipulated time span and the officer recommendation is to approve;
 - (d) which constitutes a major application and where a section 106 Agreement is required (excluding unilateral undertakings);
 - (e) submitted by or on behalf of a Colchester Borough Council Councillor (or their spouse/partner) or by any Council officer (or their spouse/partner); or
 - (f) submitted by or on behalf of Colchester Borough Council (for clarity, this does not include applications made by other parties on land owned by the Council where the development is not by or on behalf of the Council).
2. The determination of applications for the approval of reserved matters, details required by a condition on a planning permission and non-material or minor amendments, unless the Planning Committee at the granting of the outline permission indicates that it requires to determine the aforementioned matter itself.
3. Authority to refuse planning applications where a proposed section 106 Agreement remains uncompleted for six months from the decision regarding its provision.
4. Authority to appoint consultants where the Council's case may be enhanced or when specialist information needs to be provided.
5. That, subject to written confirmation from the Chief Finance Officer and the

Monitoring Officer, the Head of Commercial Services be authorised to agree the release of funds secured by means of a legal agreement under the Planning Acts for expenditure, for purposes solely in accordance within the specified legal agreement. Such delegated powers would only operate where such expenditure is entirely in accordance with the legal agreement attached to the development.

6. Where an appeal has been lodged against a refusal of planning permission, the Head of Commercial Services has authority to conclude a legal agreement which complies with the Council's current policies where we would expect to see the provision of such requirements a may include affordable housing, open space contribution, education contribution in circumstances where time does not permit a referral to the Planning Committee.
7. Where an application has already been considered by the Planning Committee who have given authorisation to enter into a legal agreement delegated authority is given to Head of Commercial Services to agree alterations whereby :-
 - (a) The mechanism for delivering the required outcomes for the agreement have changed, but the outcome remains the same (including changes to triggers, phasing and timing);
 - (b) There is a need to issue a delegated refusal where a legal agreement is not completed within the statutory time limit and it is considered by the Head of Commercial Services reasonable to do so.
 - (c) There is a need to remove a legal agreement from a local land charge where all clauses have been compiled with.

SCHEME OF DELEGATION TO OFFICERS BY THE PLANNING COMMITTEE

Delegated to the Head of Professional Services

1. The determination of all planning applications (except Major Applications delegated to the Head of Commercial Services) irrespective of scale and size (including changes of use and all applications for Listed Building Consent, Conservation Area Consent, Certificates of Lawfulness, applications for the determination as to whether prior approval of details is required, consent to display advertisements and other notifications) except any application:
 - (a) contrary to adopted policies or provisions of the development plan, and which is recommended for approval;
 - (b) which any Councillor requests in writing to the Head of Professional Services within 21 days of the date of the weekly list circulating details of the application, should be subject of consideration by the Committee;
 - (c) which constitutes a major application on which a material planning objection(s) (including those from Parish/Town Councils and statutory consultees) has been received in the stipulated time span and the officer recommendation is to approve;
 - (d) which constitutes a major application and where a section 106 Agreement is required (excluding unilateral undertakings);
 - (e) submitted by or on behalf of a Colchester Borough Council Councillor (or their spouse/partner) or by any Council officer (or their spouse/partner);
or
 - (f) submitted by or on behalf of Colchester Borough Council (for clarity, this does not include applications made by other parties on land owned by the Council where the development is not by or on behalf of the Council).
2. The determination of applications for the approval of reserved matters, details required by a condition on a planning permission and non-material or minor amendments, unless the Planning Committee at the granting of the outline permission indicates that it requires to determine the aforementioned matter itself.
3. Authority to make observations on applications to be determined by another planning authority.
4. Authority to refuse planning applications where a proposed section 106 Agreement remains uncompleted for six months from the decision regarding its provision.
5. Authority to appoint consultants where the Council's case may be enhanced or when specialist information needs to be provided.
6. Power to make and confirm tree preservation orders where there are no unresolved objections thereto and to determine applications to carry out works to preserved trees and trees in Conservation Areas.

7. Authority to administer the Hedgerow Regulations 1997 and to issue notice in accordance with the Council's policy.
8. Service of Building Preservation Notices.
9. Authority to institute proceedings in respect of any offence against the advertisement regulations, including prosecution where it is considered appropriate. In the cases where repeated prosecution fails, this includes the authority to seek an injunction under Section 222 of the Local Government Act 1972.
10. Authority to institute proceedings in respect of any enforcement actions where a valid notice exists, no appeal decision thereon is pending, the prescribed time for compliance with the notice has expired, and where the breach of planning control continues to exist.
11. Authority to sign and serve "Planning Contravention Notices" under the Town and Country Planning Act 1990, Sections 171(C) and 171(D), and to arrange for the institution of proceedings where the requirements of such Notices are not complied with within statutory time limits.
12. Authority to sign and serve "Breach of Condition Notices" under the Town and Country Planning Act 1990, Section 187(A), and to arrange for the institution of proceedings where the requirements of such Notices are not complied with within statutory time limits, subject to a report being made to the Planning Committee as soon as practical thereafter.
13. Authority to sign and serve enforcement notices, stop notices, temporary stop notices, section 215 notices, section 224 discontinuance notices or breach of condition notices under the Town and Country Planning Act 1990 (Parts VII & VIII).
14. Power to serve a notice under Section 330 of the Town and Country Planning Act 1990 (to require information as to interests in land).
15. Authority to give a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended) as to whether an Environmental Impact Assessment is required and to determine the scope of the environmental issues to be covered in any such assessment.
16. Authority to defend the Council's decision in respect of any appeal proceedings, provided that where any additional or revised information is submitted which may overturn the Council's initial decision, the case shall be referred back to Planning Committee to determine the Council's case. In the event that timescales do not allow the matter to be referred back to Planning Committee, then the Head of Professional Services shall consult the Planning Committee Chairman, and Group Spokespersons, before determining the Council's case. In the unlikely event that none of the foregoing is possible, then as an emergency procedure, a Director or the Chief Operating Officer can determine the action required, which will be reported to the Planning Committee as soon as is practical thereafter.
17. Authority to institute legal proceedings (including the serving of injunctions and enforcement notices) under the Town and Country Planning Act 1990 (Part VII

and Part VIII) and the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (Part IV) where it is considered the most appropriate remedy in relation to the circumstances of the case, and expedient to do so, without referral to Planning Committee, subject to a report being made to Committee as soon as practical thereafter.

18. That, subject to written confirmation from the Section 151 Officer and the Monitoring Officer, the Head of Professional Services be authorised to agree the release of funds secured by means of a legal agreement under the Planning Acts for expenditure, for purposes solely in accordance within the specified legal agreement. Such delegated powers would only operate where such expenditure is entirely in accordance with the legal agreement attached to the development.
19. Authority to prosecute for the failure to comply with the statutory time limit imposed by any notices served in respect of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Sections 171C, 171D and 330 of the Town and Country Planning Act 1990, or for providing false/misleading information.
20. Determination of enforcement cases where:
 - (a) investigations conclude that no breach of planning has occurred and therefore no further action is required;
 - (b) a breach of control has occurred but it is not expedient in the public interest to take action;
 - (c) investigations conclude that a breach has occurred in excess of four years or ten years (as appropriate) and is therefore, immune from further action.
21. Power to make orders for the creation, diversion or extinguishment of public rights of way.
8. Where an appeal has been lodged against a refusal of planning permission, the Head of Professional Services has authority to conclude a legal agreement which complies with the Council's current policies where we would expect to see the provision of such requirements a may include affordable housing, open space contribution, education contribution in circumstances where time does not permit a referral to the Planning Committee.
9. Where an application has already been considered by the Planning Committee who have given authorisation to enter into a legal agreement delegated authority is given to Head of Professional Services to agree alterations whereby :-
 - (d) The mechanism for delivering the required outcomes for the agreement have changed, but the outcome remains the same (including changes to triggers, phasing and timing);
 - (e) There is a need to issue a delegated refusal where a legal agreement is not completed within the statutory time limit and it is considered by the Head of Professional Services reasonable to do so.

- (f) There is a need to remove a legal agreement from a local land charge where all clauses have been compiled with.

SCHEME OF DELEGATION TO OFFICERS BY THE LICENSING COMMITTEE

Delegated to the Head of Professional Services

1. Determination of applications and issue of licences, permits, registrations and certificates where no objections have been received in respect of:-

Amusement with Prize Machines
Animal Boarding Establishments
Betting, Gaming and Lotteries
Caravan Sites
Cinemas and Theatres
Dangerous Wild Animals
Deratting and Deratting Exemptions
Dog Breeding Establishments
Food Exports
Food Hawkers
Food Premises
Game Dealers
Hackney Carriage and Private Hire Vehicles drivers and operators
House to House and Street Collections
Hypnotism – exhibitions, demonstrations or performances
Knackers Yards
Late Night Refreshments
Minibuses
Moneylenders
Motor Cycle Scramble Track Practices and Events over Public Footpaths
Pawnbrokers
Pet Shops
Pleasure Boats and Boatmen
Premises and persons involved in acupuncture, tattooing, ear piercing and electrolysis
Public Entertainments (including registered door staff)
Rag and Bone Dealers
Riding Establishments
Scrap Metal Dealers
Sex Shops
Sports Entertainment
Stage Plays
Zoos
2. Revocation or suspension of licences, permits, registrations, certificates.
3. Approval of individual identification signs for display on taxis and private hire vehicles, after consultation with the Chairman of the Licensing Committee.
4. To determine applications for permission to place advertisements on hackney carriages and private hire vehicles.
5. Determination of motor salvage operators' licences.

The determination of the following Licensing Act 2003 functions:

Matter to be dealt with	Delegated to Head of Professional Services
PERSONAL LICENCES	
Application for a personal licence	If no objection is made
Application for personal licence with unspent convictions	
Application to vary Designated Premises Supervisor	All other cases
Request to be removed as a Designated Premises Supervisor	All cases
PREMISES LICENCES AND CLUB PREMISES CERTIFICATES	
Application for premises licence/club premises certificate	If no representation is made
Application for provisional statement	If no representation is made
Application to vary premises licence/club premises certificate	All other cases
Application for transfer of premises licence	All other cases
Application for interim authorities	All other cases
Application to review premises licence/club premises certificate	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc	All cases
Decision to object when local authority is a consultee and not the lead authority	All cases
TEMPORARY EVENT NOTICES	
Determination of a Police representation to a temporary event notice	
RIGHT TO DISPENSE WITH HEARING	
Dispensation of need to hold hearing if all persons required by the Licensing Act 2003 (other than the Authority) have written and agreed that a hearing is unnecessary	All cases

The determination of the following Gambling Act 2005 functions:

Matter to be dealt with	Delegated to Head of Professional Services
Final approval of three year licensing policy	
Policy not to permit casinos	
Application for Premises Licence	Where no representations received or representations have been withdrawn
Application for a variation to a licence	Where no representations received or representations have been withdrawn
Application for a transfer of a licence	Where no representations received from the Commission
Application for a provisional statement	Where no representations received from the Commission
Application for club gaming/club machine permits	Where no objections made/objections have been withdrawn
Application for other permits	
Cancellation of licensed premises gaming machine permits	
Application for other permits	
Cancellation of licensed premises gaming machine permits	
Consideration of temporary use notices	
Consideration of occasional use notices	

Report of	Executive Director	Author	Ann Hedges ☎ 282212
Title	Funding allocations to support Strategic Plan priorities		
Wards affected	Not applicable		

This report concerns allocation of £100k committed in the 2013/14 budget to support Strategic Plan priorities and allocation of funding to support a work to progress implementation of a Park & Ride scheme

1. Decisions Required

- 1.1 To agree the allocation of £100k in the 2013/14 budget to support Strategic Plan priorities.
- 1.2 To agree £40k allocation for match funding of a parking and land use strategy model in Colchester to facilitate the implementation of the Park & Ride scheme and other associated parking issues.

2. Reasons for Decision(s)

- 2.1 During the development of the budget for 2013/14 the administration identified the opportunity to provide an amount of money to specifically support Strategic Plan priorities through a number of one off projects. This replicates the approach taken in 2012/13 to provide funding for a series of projects in the Jubilee Year.
- 2.2 In addition there is a recommendation to provide £40k to fund a parking and land use strategy model in Colchester to facilitate the implementation of the Park & Ride scheme.

3. Alternative Options

- 3.1 The money could be allocated to other projects but it is felt that the proposals deliver the best value and most directly support a wide range of strategic plan priorities.
- 3.2 To not provide match funding for the parking and land use strategy but this would put the Park & Ride scheme at risk.

4. Proposals

Allocation of funding to Strategic Plan Priorities - £100k

- 4.1 It is proposed that:-
 - i) each Portfolio Holder, with the exception of the Portfolio Holder for Strategy, is allocated £10k to spend on one off projects to support Strategic Plan priorities within their portfolio.
 - ii) the remaining £30k is allocated to the Portfolio Holder for Strategy to fund projects to support Strategic Plan priorities that arise through the financial year.

Use of New Homes Bonus growth allocation – Available £250k

- 4.2. It is proposed that £40k of this allocation be used to act as match funding with Essex County Council to develop a parking and land use strategy model in Colchester.

5. Supporting Information

Strategic Plan Priorities

- 5.1. The budget includes an allocation of £100k to contribute towards funding a range of one-off projects to support the delivery of the Strategic Plan priorities. The proposal is to allocate this to individual portfolio holders to ensure consideration can be given to the needs of each portfolio.

Parking Study

- 5.2. The 2013/14 revenue budget includes £250,000 funded from the New Homes Bonus to support enabling projects. Given the link to the New Homes Bonus it is proposed that this should generally be used for one-off items. It is proposed that £40k of this allocation be used to act as match funding with Essex County Council to develop a parking and land use strategy model in Colchester.
- 5.3. The model is intended to be designed to be used for testing future parking scenarios and thus develop a parking strategy for the town. At the present time the impact of the introduction of park and ride is based on data and information produced in 2007. This needs updating to reflect the increase in Colchester's population and property numbers and driver behaviour since the introduction of new parking offers.
- 5.4. Both councils need a mechanism to test various strategies and assess impact of changes on car park usage and traffic flows. It will allow the production of an informed and detailed car parking strategy for Colchester.
- 5.5. The objectives of the parking and land use model are to estimate:
- Changes in the demand for town centre car parking following the opening or closure of a town centre car park;
 - Changes in the demand for town centre car parking following the opening of a Park & Ride site;
 - Changes in the demand for town centre car parking related to population increases;
 - The financial impacts of changes in demand;
 - Changes in the demand for town centre car parking following car park policy changes e.g. changes to the pricing structure.

6. Strategic Plan References

- 6.1 The proposals will directly support delivery of a large range strategic plan priorities.

7 Consultation

- 7.1 Specific consultations will be undertaken for projects as appropriate.

8. Publicity Considerations

- 8.1 Specific projects will be of interest to the public and appropriate publicity will be undertaken on a project by project basis.

8.2 The parking and land use strategy model will also be of interest and will receive publicity at relevant points.

8. Financial implications

8.1 The £100k has been agreed in the budget for 2013/14 for allocation to one-off items. Decisions made by Portfolio Holders will be executed by Heads of Service in line with existing budget virements rules. The agreed use of funds will be reported to Cabinet and relevant scrutiny panels through relevant finance and performance monitoring reports.

8.2 The 2013/14 revenue budget includes £250,000 funded from the New Homes Bonus to support enabling projects.

9. Equality, Diversity and Human Rights implications

9.1 The Strategic Plan includes priorities that support the equality and diversity agenda and it is expected that specific projects will strengthen progress across a range of these priorities.

9.2 Equality Impact Assessments will be completed for individual projects as appropriate.

10. Community Safety Implications

10.1 None.

11. Health and Safety Implications

11.1 None.

12. Risk Management Implications

12.1 None .



Cabinet

Item
8(i)

6 March 2013

Report of	Head of Corporate Management	Author	Mike Thurston ☎ 282396
Title	Officer Pay Policy		
Wards affected	Not applicable		

This report concerns the Council's pay policy statement, and requirements introduced by the Localism Act 2011.

1. Decision(s) Required

- 1.1 To recommend the adoption of the Council's pay policy statement for 2013-14 by Full Council on 20 March 2013.

2. Reasons for Decision(s)

- 2.1 The Localism Act requires "relevant authorities (including Colchester Borough Council) to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce." The Pay Policy for 2012/13 was approved by Full Council on 21 March 2012. These statements must be prepared and approved by Full Council for each financial year.

3. Alternative Options

- 3.1 The only alternative would be not to approve the pay policy statement, but that would be contrary to the requirements of the Localism Act.

4. Supporting Information

- 4.1 Local authorities must publish a pay policy statement for the financial year. A relevant authority's pay policy statement must be approved by a resolution of that authority before it comes into force.
- 4.2 The Localism Act specifies a number of elements that must be covered by the statement including; the level and elements of remuneration for each chief officer, remuneration of chief officers on recruitment, increases and additions to remuneration for each chief officer, the use of performance-related pay for chief officers, the use of bonuses for chief officers, the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and the publication of and access to information relating to remuneration of chief officers.
- 4.3 The Council's pay policy statement has been extended beyond the statutory requirements relating to chief officers as shown in 4.2 above to include all officers employed by the Council, in the interests of openness and transparency.
- 4.4 Please see Appendix 1 for the Officer Pay Policy. Appendix 2 contains the data which sits behind the policy, and definitions of terms such as chief officers. These two documents form the Council's pay policy statement.

- 4.5 The statement covers all pay and benefits for every employee of Colchester Borough Council. There are no financial allowances or bonuses other than those mentioned.
- 4.6 The requirements of the Localism Act have been taken as an opportunity to bring together all relevant Council policies and information into a pay policy which applies to every employee (Appendix 1), and a supporting document which shows the mostly numerical data which sits behind the specific financial year (Appendix 2).
- 4.7 Appendix 2 provides pay data on the annual salary scales. The data provided incorporates the pay increase for 2013/14 and the implementation of the 'National Living Wage' which has been approved.

5. Proposals

- 5.1 To approve the 2013-14 pay policy statement as shown at Appendix 1 and 2, and to recommend its adoption by Full Council.

6. Strategic Plan References

- 6.1 The performance, remuneration and motivation of the Council's employees are key to delivering effective and efficient services to the public, in addition to the aspirations and priorities within the Strategic Plan.

7. Consultation

- 7.1 The Council's pay policy statement is compiled by factual data relating to the existing, agreed pay and conditions of its employees. There have been no new decisions as part of the compilation of the statement and data. The updated policy has been sent to the local branch of Unison for comment.

8. Publicity Considerations

- 8.1 The information contained with Appendix 1 and 2 will be publicly available on the Council's website, and in the Council's Statement of Accounts.

9. Financial implications

- 9.1 The pay policy statement provides transparency about the Council's approach to pay and benefits for its employees.

10. Equality, Diversity and Human Rights implications

- 10.1 The Equality Impact Assessment is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy>Policies, Strategies and Performance> Equality Impact Assessments>Corporate Management>Pay Policy or click on [the link here](#)

11. Other Implications

- 11.1 There are no specific community safety, health and safety or risk implications.

Background Papers

See Appendix 1 for the references and guidance used to compile the policy and data.

Colchester Borough Council
OFFICER PAY POLICY
March 2013

Introduction

The purpose of this policy is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of officers.

The Council will comply with this policy which covers all officers. It ensures that employees are paid on a fair and equitable basis in accordance with equality legislation.

Colchester Borough Council recognises the importance of administering pay in a way that:

- attracts, motivates and retains appropriately talented people needed to maintain and improve the Council's performance and meet future challenges
- reflects the market for comparable jobs, with skills and competencies required to meet agreed delivery and performance outcomes
- allows for a proportion of remuneration to be at risk, depending upon the delivery of agreed outcomes and results
- delivers the required levels of competence within an overall workforce strategy within approved budget parameters
- is affordable and transparent.

1. Pay strategy and framework

- 1.1 The Council determines the level of annual salary for employees, including chief officers, using an established job evaluation scheme. Jobs are independently evaluated, using this scheme, by experienced Human Resources staff and all employees have the right of appeal against their pay grade.
- 1.2 The pay grades and salary spines are shown in Appendix 2. The Council will implement from April 2013, the "National Living Wage" which is independently assessed. If agreed pay scales will be amended to reflect this change. Each pay grade has a number of incremental points and employees normally progress up their pay grade by one increment on an annual basis, subject to satisfactory levels of performance (see also section 5 - rewarding performance).
- 1.3 The exception to this principle is where employees have transferred their employment to the Council and salary protection exists under the Transfer of Undertakings (Protection of Employment) legislation commonly referred to as TUPE.
- 1.4 The pay policy incorporates the Council's Equality and Diversity policy (website link [Equality and Diversity in employment - Colchester Borough Council](#)) and periodic equal pay audits will be conducted.

2. Pay review and annual increases

- 2.1 The Council supports the principle of collective bargaining and has a recognition agreement with the trade union 'Unison'. Negotiation and consultation is conducted at a local level in relation to levels of pay and benefits for all employees including Chief / Senior Officers (see definitions in Appendix 2). The Council therefore is not part of any national terms and conditions for local government employees.
- 2.2 Local negotiations around a pay review are conducted on an annual basis, and any increase is agreed taking into account inflationary factors, local salary levels and affordability. Any decision to increase salary levels for all employees has to be approved by the Portfolio Holder under delegated powers set in the Council's [Constitution](#).
- 2.3 The Council publishes its pay multiple (the ratio between the highest and lowest paid employees) and does not currently set a target for this.

3. Remuneration of Chief Officers

- 3.1 The remuneration of all officers is determined using the Council's job evaluation and performance management schemes.
- 3.2 The median average value of Chief Officers' pay is shown in Appendix 2 together with the relationship to the lowest paid staff and other staff (referred to in the legislation as "the pay multiple").
- 3.3 The remuneration of all Chief Officers and Senior Officers will be published in the Council's [Annual Statement of Accounts](#) which also includes a wide range of financial information.

4. Other items in addition to salary

The Council pays the following additions to annual salary:

- 4.1 Overtime:
This is paid to employees who are required to work in excess of their contracted weekly hours. All overtime is paid at plain-time rate derived from annual salary, and enhancements are not normally paid for working at weekends or public holidays. All employees on a pay grade of CMG5 or above are not entitled to receive overtime pay.
- 4.2 Unsocial hours working:
The Council pays an allowance to employees who work unsocial hours which cover 24-hour shift working. Allowances are also paid to employees who undertake standby and call out duties. A small payment can also be made to 'front-line' employees who are required to work over the Christmas/New Year period.

4.3 Maternity and paternity:
The Council has a policy that supports parents and provides some enhancement to the statutory maternity and paternity provisions. These enhancements are shown in Appendix 2.

4.4 Market forces supplement and mid-scale appointments:
Where the Council is faced with difficulties in recruitment to and retention of specific jobs, as a result of market pressures and skills shortages, the Chief Executive is able to sanction the use of a temporary 'market forces' supplement, reviewed on a regular basis.

Where an individual is being recruited and has significant experience or skills in the role for which they are being employed, Heads of Service and above have discretion to appoint at any scale point (within the grade) above the lowest level.

4.5 Increases in responsibility:
Temporary or permanent payments can be paid at the discretion of the Chief Executive to reflect operational needs and the level of additional responsibility.

4.6 Other:
The Council only reimburses reasonable business expenses actually incurred and in line with the Council's travel and subsistence policy. Professional membership fees are reimbursed to employees at the rate of 50% of fees incurred and only one membership per employee is reimbursed.

External training costs are paid where they form part of agreed learning and development, and in line with the post-entry training policy.

There are no expense allowances or bonuses other than those mentioned within this pay policy.

5. Rewarding performance

5.1 The Council uses a performance management scheme to appraise the performance of all employees, including Chief / Senior Officers. Issues of poor performance can result in any annual increment being withheld. Where employees are rated as outstanding under this performance management scheme, a non-contractual payment can be made to recognise individual performance. The value of this payment is reviewed each year and agreed by the Senior Management Team, subject to affordability. The current value is shown in Appendix 2.

5.2 The Council also recognises the need to incentivise specific jobs whose role involves a proportion of sales or income generation. In such cases a reward package will be developed, which needs approval by Senior Management Team. The annual salary and incentive payment will be determined outside of the job evaluation scheme and will be risk-assured in relation to equal pay.

6. Pension

- 6.1 In accordance with statutory provisions, employees are offered membership of the Local Government Pension Scheme. The Council has a published pension policy and this policy applies to all employees including Chief / Senior Officers. It sets out the Council's decisions relating to discretionary powers allowed within the scheme.
- 6.2 The Council also supports the principle of flexible retirement whereby employees are able to gain access to their pension whilst continuing in employment, subject to the restrictions laid down within the scheme and in the Council's Pension policy. This approach allows the Council to retain skilled employees and to assist individuals in managing the transition to retirement.

7. Other financial benefits

The Council currently offers the following financial benefits to employees:

- 7.1 **Travel Plan incentives/charges:**
In order to encourage employees to use 'greener' travel modes, which also help to reduce town centre congestion, the Council has developed a package of travel plan measures. These measures include a charge for car parking for employees based in the town centre, and discounts for the 'home to work' use of bus and rail travel. The current value of these charges and benefits are shown in Appendix 2.
- 7.2 **Salary sacrifice schemes:**
The Council has adopted approved government salary sacrifice schemes which enable employees to have deductions from pay to purchase childcare vouchers or cycles for travel to work. These schemes are tax efficient for the employee and are cost-neutral to the Council.
- 7.3 **Long Service Awards:**
The Council recognises the commitment of employees to public service and provides a gift to the maximum value of £250 for 25 years' service with the Council.
- 7.4 **Other allowances:**
An allowance is paid for employees who volunteer to be designated First Aiders in the workplace. An allowance is paid to employees as a contribution towards broadband costs if they work at home on a regular basis using a PC. See Appendix 2 for the value of these allowances.

8. Recruitment

- 8.1 In accordance with the Council's [Constitution](#), appointments to Head of Paid Service (Chief Executive), Executive Directors, Heads of Service and the Chief Finance Officer, have to be approved by Cabinet.
- 8.2 All appointments are made in line with this pay policy.
- 8.3 The appointment of other Chief Officers and starting salaries within the grade must be approved by the Chief Executive.
- 8.4 The appointment of employees other than Chief Officers will be delegated to the appropriate management level, relevant to the vacant job. The starting salary within the pay grade range will be determined taking into account the skills and experience of the applicant and market pressures.
- 8.5 The Council does not restrict the re-employment of employees previously made redundant by either the Council or other Local Government. All applicants for vacancies are considered equally, based on their knowledge, skills and experience.
- 8.6 Full Council will be offered the opportunity to vote before large salary packages are offered in respect of new appointments. This level is set out in statutory guidance, and the current level is shown at Appendix 2.

9. Sick Pay

The Council applies the following sick pay scheme for all employees including Chief Officers.

Service (years)	Full Pay (months)	Half Pay (months)
During first year	1	*2
During second year	2	2
During third year	4	4
During fourth/fifth years	5	5
After five years	6	6

* After completing 4 months' service

10. Payments when employment status changes

- 10.1 The Council operates a redundancy payment scheme which applies to all employees including Chief / Senior Officers. The scheme is based on the number of weeks paid under the statutory scheme, with an enhancement of 50% subject to a maximum of 45 weeks' pay.
- 10.2 **Pay Protection**
The Council operates pay protection for a limited time period, within the terms of the redundancy policy. This applies when staff have their pay reduced as part of a process of re-deployment or job evaluation.
- 10.3 Where the Council is in dispute with an employee, the Council will make use of legally binding agreements to settle disputes in appropriate circumstances. The use of these agreements and the value of any settlement will be determined by a consideration of factors such as the potential costs of litigation, the degree of risk at employment tribunal adjudications and any reputational impact. The decision to agree a legally binding agreement will rest with the Chief Executive or in the case of the Chief Executive with Cabinet.

11. Election duties

- 11.1 The Council has determined that the Returning Officer is the Chief Executive, and the remuneration is separate from the Chief Executive's salary. The Council has set the remuneration levels of employees who assist with local government election duties on a secondary employment basis. These levels are set by Essex County Council for county elections, and by central government for national and European elections.
- 11.2 The amount paid for election duties will vary depending on the number and type of elections which take place. The amount paid to the Returning Officer in the previous year is shown in Appendix 2.

12. Temporary staff and interim arrangements

- 12.1 The Council occasionally uses temporary agency or interim staff where it meets specific business needs and delivers best value. Levels of reward are determined by market rates.

13. Supporting Information

The following references have been used in producing this Pay Policy, along with the Council's existing Human Resource policies:

Legislation

- The Localism Act 2011 - [chapter 8 - pay accountability](#).
- The Equality Act 2010
- Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006
- Local Government Pension Scheme Regulations 2008
- Accounts and Audit (England) Regulations 2011.

Best practice guidance

Department for Communities and Local Government:

- [Openness and accountability in local pay: Guidance under section 40 of the Localism Act](#)
- [Code of recommended practice for local authorities on data transparency](#)

The Chartered Institute of Public Finance and Accountancy:

- [Code of Practice in Local Authority Accounting - paragraph 3.4.5](#)

Local Government Association

- [Pay Policy Statements - guidance](#).

Our website

www.colchester.gov.uk has a [section with more information about employment](#) at Colchester Borough Council.

Document Information

Title :	Officer Pay Policy
Status :	Approved March 2013
Version :	Version 1
Consultation :	Senior Management Team Leadership Team
Approved By :	Full Council
Approval Date :	20 March 2013
EQIA :	click here
Review Frequency :	Annual
Next Review :	March 2014

OFFICER PAY POLICY - Pay Data**1. Annual Salary scales****Salary spine**

point	Annual salary (£.p)	point	Annual salary (£.p)
4*	14,373.22	32	33,401.55
5*	14,373.22	33	34,688.16
6*	14,373.22	34	35,882.31
7*	14,373.22	35	37,076.48
8*	14,373.22	36	38,270.62
9	14,381.17	37	39,512.28
10	15,095.10	38	40,753.96
11	15,855.24	39	41,995.59
12	16,615.40	40	45,082.39
13	16,978.77	41	48,169.21
14	17,344.73	42	51,256.01
15	17,705.54	43	55,368.80
16	18,068.92	44	59,481.55
17	18,432.29	45	63,594.33
18	18,790.56	46	67,707.07
19	19,334.98	47	71,819.83
20	19,879.42	48	75,763.09
21	20,423.83	49	79,706.38
22	20,968.25	50	83,649.61
23	21,512.68	51	87,592.90
24	22,100.77	52	91,536.14
25	23,853.48	53	95,479.44
26	25,649.84	54	99,910.64
27	27,446.21	55	104,341.83
28	28,573.61	56	108,773.03
29	29,700.98	57	113,204.22
30	30,828.36	58	117,635.42
31	32,114.96	59	120,013.45

* Note these points are the national 'Living Wage'

These pay scales reflect a 1.5% increase which applies from April 2013. The last increase prior to this was April 2010

Pay Grade range

Pay Grade	Salary spine point range	Pay Grade	Salary spine point range
14	4 to 7	7	32 to 36
13	7 to 12	6	35 to 39
12	11 to 18	5	38 to 42
11	18 to 24	4	42 to 47
10	23 to 27	2	46 to 53
9	26 to 30	1	54 to 59
8	29 to 33		

Colchester Borough Council Human Resource Policies

Apprentices

The Council pays the national 'living wage', for any employee on an apprenticeship contract.

2. Pay relationship for Chief Officers

	Year 2012/13
Median average pay for Chief Officers	£70,758
Median average pay for staff other than Chief Officers	£21,194
Median average pay for lowest paid staff	£14,373
Pay multiple of Chief Officer (Chief Executive) pay to staff other than this Chief Officer	5.58 to 1
Pay multiple of Chief Officers' pay to staff other than Chief Officers	3.34 to 1
Pay multiple of Chief Officers' pay to lowest paid staff	4.92 to 1

Notes – please also see definitions of officers at section 7 below:

- Median average pay is based on full-time equivalent annual salary plus additional payments for Chief Officers. It excludes election fees.
- 'Lowest paid staff' is defined as those paid on National 'Living Wage' see chart of pay grades on page 1.
- Pay multiple - the ratio between the highest and lowest paid staff.

3. Additional payments for Chief Officers.

Returning Officer election fees paid to the Chief Executive:

Elections held	Amount paid	Year
Local Borough, Central Government referendum	£15,420.76	2011/12
Local Borough and Parish, and Police Commissioner	£11,832.00	2012/13

4. Other pay additions and allowances – see Appendix 1, pages 4/5 for eligibility

Maternity and Paternity pay:

In addition to the statutory provisions, the Council pay 20 weeks at half pay for mothers who go on maternity leave and subsequently return to work. Up to two weeks' paid paternity leave is granted to fathers.

Payment for outstanding performance:

This is set at £750 for full-time staff for 2012/13 (performance year). See Appendix 1 for eligibility.

First Aid allowance - for employees designated as First Aiders in the workplace: £141.96 per annum.

Broadband allowance – to access Council computer systems if home working: £132.00 per annum.

There are a small number of employees with protected overtime enhancements which cease in December 2013.

Colchester Borough Council Human Resource Policies

5. Travel Plan benefits and charges

Car parking charge – this is paid by employees if they drive to work:
£1 per day.

Home to work travel, in line with Travel Plan policy:
Bus season ticket discount 50% / train season ticket or ‘bulk buy’ discount 35%.

6. Pension contribution rate

Employer rate is 11.8% for 2013/14. Employee rates for 2013/14 are:

Full time equivalent salary	Contribution rate per year
£0 - £13,700	5.5%
£13,701 - £16,100	5.8%
£16,101 - £20,800	5.9%
£20,801 - £34,700	6.5%
£34,701 - £46,500	6.8%
£46,501 - £87,100	7.2%
Over £87,100	7.5%

7. Definition of terms used in the Officer Pay Policy and Pay Data documents

- Chief Officers – posts that require appointment by elected councillors - designated as Chief Executive, Executive Directors and Heads of Service within the Council’s constitutional arrangements for appointment. It also includes the Section 151 and the Monitoring Officer where those roles are not performed by a Head of Service. These posts fulfil the criteria for Chief Officers as defined in [paragraph 43 Localism Act](#).
- Chief Officer – this is the Chief Executive.
- Senior Officers – any post with a salary of £58,200 and above, which is the Senior Civil Service minimum pay band ([paragraph 12 code of practice](#)).
- Senior Management Team – the Chief Executive, Executive Directors and Heads of Service.
- Large salary package – this is defined in statutory guidance and the current threshold is £100,000 ([paragraph 14 Localism Act guidance](#)).

Document Information

Title :	Officer Pay Policy Appendix 2 Pay Data
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Colchester Borough Council Human Resource Policies

Review Frequency :	Annual
Next Review :	March 2014

6 March 2013

Report of	Task and Finish Group	Author	Amanda Chidgey
Title	Technology and Community Engagement Task and Finish Group // Final Report		
Wards affected	Not applicable		

This report concerns the work undertaken by the Technology and Community Engagement Task and Finish Group and presents the recommendations of the Group to the Cabinet

1. Decision(s) Required

- 1.1 To review the work of the Technology and Community Engagement Task and Finish Group and to consider the Group's recommendations as set out in Paragraph 5 below.
- 1.2 Should recommendations (iii), (iv) and (vi) in Paragraph 5 below be approved, the following proposed amendments to the Meetings Procedure Rules and the need for authority to be delegated to the Monitoring Officer to make the necessary associated amendments to the Councillors' Code of Conduct, as set out in the Constitution, be referred to Council for determination:

There shall be no filming or recording of Council, Cabinet, Panel, Committee or Sub Committee meetings without the consent of the meeting

The use of phones, tablets and laptops shall be permitted at all meetings of the Council, including full Council, Cabinet, Panels, Committees or Sub-Committees, subject to the following:

- (i) Use of devices by Councillors participating and voting at a meeting and by all councillors at full Council meetings does not extend to viewing or participation in social media, including, but not exclusively, Twitter and Facebook;
- (ii) Devices must be kept on silent mode;
- (iii) Use of devices is limited to text, typing and non-voice functions only;
- (iv) Use of voice facility to make or receive calls, issue instructions or check messages is not permitted;
- (v) Use of devices does not interfere with the proper conduct of the meeting;
- (vi) The person presiding at the meeting, at their discretion, may require all devices to be switched off at any time.

2. Reasons for Decision(s)

- 2.1 The Task and Finish Group was formed at the request of the Executive Board to put forward recommendations for consideration by the Cabinet on the introduction of webcasting and the use of social networking at meetings and to provide for the related issues to have been placed under a level of scrutiny to test their feasibility.

3. Alternative Options

- 3.1 A range of alternative options have been considered by the Task and Finish Group which were discounted by the Group collectively for the reasons set out in the notes of the various meetings.

4. Supporting Information

- 4.1 The Task and Finish Group was set up in the light of informal discussions within the political groups regarding the need for the Council's Procedure Rules in respect of the use of mobile phones at meetings to be updated to more accurately reflect councillors' and members of the public current practices and expectations.

- 4.2 The following terms of reference for the Task and Finish Group were agreed:

To look into the ways technology might be used by the Council in terms of facilitating improvements in community engagement.

The Group will need to include the following subject areas within its considerations:

- Webcasting of Meetings
- Sound recording of Meetings
- Use of Mobile Devices and IT and Social Networking at Meetings

The Group's considerations will include:

- Evidence of demand from the community
- Costs
- The public perception of behaviours at meetings
- Levels of participation / viewing figures
- Potential wider benefits from the use of new technology

- 4.3 The membership of the Group comprised:

Councillor Theresa Higgins (Chairman);
Councillor Nick Cope (Deputy Chairman)
Councillor Beverly Davies (substitute Councillor Sue Lissimore)
Councillor Pauline Hazell
Councillor Mike Lilley
Councillor Gerard Oxford

- 4.4 Following the preparation of a Scoping Document to form the basis of the Group's work in July 2012, the Task and Finish Group met on three occasions in order to consider the main tasks as well as other related and timely issues including:

- The Customer Contact Fundamental Service Review in terms of new, innovative, creative ways of working, changes to the way customers interact and substantial investment in ICT;
- The Council's current Committee Management System which lacked flexibility and functionality;
- The results of a survey of councillors IT which had been undertaken in response to repeated reports of dissatisfaction with the current arrangements.

- 4.5 In terms of webcasting, the Group considered the practice of other Authorities in terms of use of social media at meetings and the webcasting of meetings as well as potential issues involved with webcasting and the likely costs which had been estimated to be a one off capital cost of £33k with recurring revenue costs of £14k. The members of the

Group each arranged for the principle of webcasting and the current financial implications to be discussed within their political groups. All four political Groups were in agreement that they were in support of the principle of webcasting but did not consider that it would be appropriate to investigate the introduction of a system bearing in mind the current financial constraints placed on the Council. It was also noted that of 26 neighbouring Authorities, 5 had introduced webcasting and 2 had discontinued its use. The reason provided for discontinuance by both Authorities was budgetary constraints.

- 4.6 In order to investigate the general issue of councillors IT, the Group undertook a tablet device familiarisation session with four devices as follows:
- Apple iPad 2;
 - Samsung Galaxy Tab;
 - Lenovo ThinkPad
 - Eken T01
- 4.7 The range of devices provided for different size screens and a variety of operating systems. Some of the Group members owned their own tablet devices and shared with the other Group members some tips and practices that they had found worked well for them including:
- Wireless printing direct from the device;
 - Publishing functionality;
 - Battery life;
 - File storage arrangements, including cloud technology;
 - Many and various apps;
 - Access to documents and information on the internet.
- 4.8 The Group Members also undertook a trial of devices on loan in order for them to see whether there were any benefits for them in the ways they worked. All Councillors were of the view that the devices enabled them to access the internet, to utilise Publisher facilities and to email satisfactorily. In particular the extended battery life of the devices significantly improved their ability to work whilst 'on the move'. It was generally agreed that all tablet devices provided for rapid and straight forward access to applications. There were, however, some difficulties regarding synchronising email accounts on certain devices which some councillors had overcome from changing the way they accessed their accounts.
- 4.9 In terms of improvements in councillors' IT provision, the suggestion which carried the most weight was, for those councillors who wished to avail themselves of the option, they may decide on a device suitable for their own needs and the cost be reimbursed over the Councillor's periods of office by means of a pro rata deduction from their basic members allowance.
- 4.10 In terms of use of social media, the Group members considered the current rules regarding the use of mobile phones at meetings in the context of recent trends in the use of handheld devices generally such as checking on messages and browsing the internet or interacting on social media sites. It was acknowledged that devices were frequently used discreetly by councillors to receive messages whilst increasing numbers of councillors and officers were proactively choosing to use devices at meetings to access papers and associated information via the internet. The Group were of the view that this type of use should be generally encouraged in the context of assisting, improving and innovating ways of working. In contrast, however, in terms of participation in social media discussions it was considered that this form of use should not be permitted for those taking part in meetings, including all councillors at full council meetings. However, there was an acknowledgement that during breaks at meetings councillors should be given

leave to use social media so long as this was not extended to social media use when meetings were in session.

4.11 The Group also considered the contents of a draft social media policy but were of the view that any issues could be addressed by means of appropriate amendments to the existing Councillors' Code of Conduct.

4.12 The Group went on to discuss further measures to reduce the cost of printing agendas for meetings such as use of lower quality paper and reductions in the overall numbers printed and the use of tablet devices in order to dispense with the need for paper agendas. The Group noted that the budget for agenda printing remained at £18,000, although reductions had already been achieved but there were other budgets currently associated with councillors' IT, including £22,000 per year for broadband provision and £150 per year support costs for each council owned laptop / printer.

5. Proposals

5.1 Following its detailed considerations, the Technology and Improvements in Community Engagement Task and Finish Group invites the Cabinet to consider the following recommendations:

That –

- (i) No further consideration be given to the introduction of a webcasting facility in the current economic situation, bearing in mind the associated costs of such an initiative and other relevant issues such as the internet connection costs for viewers;
- (ii) No further consideration be given to the introduction of sound recording of meetings on the basis that it is unlikely to be worthwhile in engagement terms as it would provide little in the way of context, assistance in identifying speakers or items of business;
- (iii) Discreet use of devices during meetings for receiving messages should be acknowledged and permitted and this permission should be extended to use of devices at meetings for accessing papers and information via the internet;
- (iv) Use of devices for participation in social media discussions should not be permitted for those taking part in meetings and that this should be extended to all councillors at full council meetings with exceptions permitted during breaks for councillors to be given leave to use social media but not when meetings are in session;
- (v) Arrangements be made for guidance on permitted use of devices to be included within agenda information pages for meetings and for similar information notices to be displayed in the principal meeting rooms of the Town Hall;
- (vi) The councillors' code of conduct be amended by means of extending its existing provisions to include councillors' social media accounts and their participation in social media discussions;
- (vii) Consideration be given to the many advantages of tablet devices such as rapid and straight forward access to the internet and to emails, extended battery life, ability to work whilst 'on the move', wireless printing, publishing functionality and access to numerous applications;
- (viii) Consideration be given to a cost neutral mechanism to improve councillors' IT provision, such as an option for councillors to be able to determine a device suitable for their own needs with the cost being reimbursed over the Councillor's periods of office by means of a pro rata deduction from their basic members allowance.

6. Strategic Plan References

6.1 Certain elements of this work could potentially assist in addressing some of the broad aims of the Council's Strategic Plan, namely:

- Leading for the Future
- Inspiring and Innovating
- Listening and Responding

7. Publicity Considerations

7.1 There is likely to be some public interest in any changes to the permitted use of devices at meetings and this will be addressed by means of information to be published on the website, in agendas generally and in the meeting rooms. Any changes to the IT provision for Councillors will also be of interest to the public. Detailed proposals to this effect would need to be the subject of separate determination by Cabinet or the relevant Portfolio Holder.

8. Financial Implications

8.1 Any detailed proposals to change the IT provision for Councillors and the associated financial implications would need to be the subject of separate determination by Cabinet or the relevant Portfolio Holder.

9. Equality, Diversity, Human Rights, Consultation, Community Safety Health and Safety or Risk Management Implications

9.1 There are no significant Equality, Diversity, Human Rights, Consultation, Community Safety, Health and Safety or Risk Management implications.



Cabinet

Item
9(i)

6 March 2013

Report of	Head of Life Opportunities	Author	Lucie Breadman Andrew Harley ☎ 282726
Title	Colchester Borough Council Safeguarding Policy		
Wards affected	All Wards		

This report seeks approval for the Council's Safeguarding Policy.

1. Decisions Required

- 1.1 To approve the Safeguarding Policy at Appendix 1.
- 1.2 To recommend to Full Council the adoption of the Safeguarding Policy and its addition to the Council's Policy Framework.

2. Reasons for Decisions

- 2.1 This Safeguarding Policy sets out the roles and responsibilities of Colchester Borough Council in working together with other professionals and agencies to safeguard children and vulnerable adults from abuse and neglect.
- 2.2 The Council adopted a Safeguarding Policy for Vulnerable Adults in 2010, following on from its existing Child Safeguarding Policy. These are included in the Council's Policy Framework as separate policies. We are now looking to combine these two policies into one. The reason for this change is to bring consistency and clarity to these areas which have much in common.
- 2.3 Having one policy will be simpler, and easier for officers, councillors and members of the public to access. It will also enhance the Council's ability to:
 - have up-to-date and compliant policy and procedures
 - work effectively to safeguard the welfare of children and vulnerable adults in the community,
 - respond to scrutiny and audit from the Essex Safeguarding Adults Board (ESAB) and Essex Safeguarding Children's Board (ESCB).
- 2.4 The opportunity has also been taken to bring both the adult and child elements of the policy up to date with current legislation and guidance which has been subject to significant changes.

3. Alternative Options

- 3.1 To not approve the Policy. This would hinder the Council's ability to have up-to-date and compliant policy and procedures. It would also put at risk the authority's ability to work effectively to safeguard the welfare of children and vulnerable adults in the community, and to respond to scrutiny from the Essex Safeguarding Adults Board (ESAB) and Essex Safeguarding Children's Board (ESCB).
- 3.2 To request amendments to the Policy. The Policy based around a "model" policy developed and approved by the Safeguarding Boards for adoption by partner agencies such as the Council.

4. Supporting Information

- 4.1 The ESAB has asked all relevant agencies in Essex, including Colchester Borough Council, to audit their safeguarding adults' practices and procedures. The audit process requires the Council to demonstrate:
- senior management commitment to the importance of safeguarding and promoting adults' welfare
 - a clear statement of the council's responsibilities towards adults, available for all staff
 - a clear line of accountability within the organisation for work on safeguarding and promoting the welfare of adults
 - service development that takes account of the need to safeguard and promote welfare – and is informed by the views of adults and families
 - safe recruitment procedures
 - training on safeguarding and promoting the welfare of adults for all staff working with, or in contact with, adults and families, including work on case studies
 - effective inter-agency working to safeguard and promote the welfare of adults

The approval of this policy will enable the Council to demonstrate compliance with a number of the areas identified in the audit process.

- 4.5 The scope of this policy includes the Council's tenants who are served on a day-to-day basis by Colchester Borough Homes.

5. Proposals

- 5.1 That Cabinet approve the Safeguarding Policy shown at Appendix 1.
- 5.2 That Cabinet recommend to Full Council the adoption of the Safeguarding Policy and its addition to the Council's Policy Framework.

6. Strategic Plan References

- 6.1 The Policy supports the Strategic Plan's vision as 'Colchester, the place to live, learn, work and visit', and its priorities to create better local communities and to support vulnerable groups.

7. Consultation

- 7.1 No formal consultation has been conducted in the development of this Policy as it concerns combining two existing policies, and compliance with statutory requirements.

8. Publicity Considerations

- 8.1 The adoption of the Safeguarding Policy can provide reassurance to residents and customers that the Council takes the welfare of children and vulnerable adults seriously.
- 8.2 The Council has a [webpage](#) which brings together a range of information about safeguarding children and vulnerable adults. The page includes:
- some safeguarding definitions
 - legislative context
 - advice on who to contact if you have a concern about a child or a vulnerable adult
 - a range of organisations which can offer further help and support
 - information about the local Safeguarding Boards for Essex.
- 8.3 The Safeguarding Policy would be added to this [webpage](#) and to the Council's [Policy Framework](#) following its adoption by full Council. It would replace the two separate policies currently published on our website.

9. Financial implications

- 9.1 There are no additional financial implications from the adoption of this Policy.

10. Equality, Diversity and Human Rights implications

- 10.1 The Equality, Diversity and Human Rights aspects of safeguarding vulnerable adults are a fundamental principle underlying this Policy and are reflected in the content of the document.
- 10.2 An Equality Impact Assessment (EIA) has been completed for this Policy and can be found [here](#) or by following this pathway from the homepage of www.colchester.gov.uk: Council and Democracy/ Policies, Strategy and Performance/ Equality and Diversity/ Equality Impact Assessments/ Corporate Management/ Safeguarding Policy.

11. Community Safety Implications

- 11.1 The links between the Safeguarding agenda and Community Safety are strong and are reflected in the multi-agency protocols and practices outlined in the Policy.

12. Health and Safety Implications

- 12.1 There are strong links between the Safeguarding agenda and the Council's Health and Safety responsibilities.

13. Risk Management Implications

- 13.1 The welfare of children and vulnerable adults using and interacting with the Council's services is an area of potentially significant risk, and the principal purpose of this Policy is to manage and mitigate these risks.



Safeguarding Policy

Children and Vulnerable Adults

March 2013

CONTENTS	PAGE
Introduction	3
Policy statement	3
Definitions	4
Monitoring and review mechanisms	4
Role of the Essex Safeguarding Boards	4
Safeguarding responsibilities	5
Councillors	6
Lines of accountability	7
Recognising potential abuse	7
Responding to a concern about a child or vulnerable adult	8
Where a member of staff is implicated	8
Confidentiality	9
Data protection	9
Homelessness	10
Use of contractors	10
Grant applications	10
Licensing	11
Health and safety	11
Photography and pornography	11
Human trafficking	12
Safeguarding training	12
Safe recruitment	13
Work experience/Interns	13
Appendix 1: Current roles	14
Appendix 2: Procedure flowchart	15
Appendix 3: Types of abuse	16
Appendix 4: Policy statement and procedure template	18
Appendix 5: Safeguarding legislation	19
Appendix 6: Safe working practices	22
Appendix 7: Missing children and uncollected children	24
Appendix 8: Human trafficking	25
Appendix 9: Safeguarding forms for staff	26
Appendix 10: Related information for staff	27
Appendix 11: Useful contacts and websites	28

INTRODUCTION

Children and vulnerable adults have the right to participate and be safe in accessing services provided for them. In addition, all children have a right to be protected from being hurt and mistreated, in body or mind, regardless of age, race, disability, culture, sex or sexual orientation. This includes having a right to protection from all forms of abuse. Colchester Borough Council is committed to carrying out its responsibilities by ensuring that the needs and interests of children and vulnerable adults are considered by councillors, employees and contractors in the provision of services and in its decision-making.

POLICY STATEMENT

The purpose of the policy is to help the Council meet its legal and moral obligations to safeguard and promote the welfare of children and vulnerable adults. Colchester Borough Council performs various functions and delivers a wide range of services. This Policy aims to ensure that all of its activities take place within this context.

The Council will promote the welfare and protection of children and vulnerable adults by:

- Respecting the rights, wishes, feelings and privacy of children and vulnerable adults
- Ensuring that all staff understand the different forms abuse can take and how to identify them
- Responding appropriately and promptly to concerns reported
- Ensuring that employees understand the Council's Safeguarding Policy
- Ensuring that employees know how to record and report safeguarding concerns, incidents or allegations
- Taking any concern made by a councillor, employee, contractor or child/vulnerable adult seriously and sensitively
- Ensuring that contracted/commissioned and grant-funded services have safeguarding policies and procedures consistent with the Council's commitment to the protection of children and vulnerable adults. Please see Appendix 4 for the 'Policy statement and procedure template' which organisations are free to use and must comply with as a minimum to receive funding from the Council.
- Ensuring that training appropriate to the level of involvement with children and vulnerable adults is available for all employees
- Responding to any allegations appropriately and implementing the appropriate disciplinary and appeals procedures
- Implementing effective procedures for recording and reporting to the Council any allegations, incidents or suspicions of abuse (continued...)

- Ensuring that all councillors and employees adhere to all appropriate safe working practices when working with children and vulnerable adults (see Appendix 6)
- Encouraging safeguarding best practice both within the Council and within the borough of Colchester
- Not tolerating harassment of any councillor, employee, contractor or child/vulnerable adult who raises concerns of abuse
- Ensuring that unsuitable people are prevented from working with children and vulnerable adults through its 'Safer Recruitment Procedure.'

This policy applies to all services within the scope of Colchester Borough Council. In addition to all internal provision of services, it also applies to:

- Outside hirers
- Outside organisations delivering services involving children or vulnerable adults on behalf of the Council
- Contractors
- Grant-funded organisations.

DEFINITIONS

The phrase 'children and vulnerable adults' refers to:

- a) Anyone under the age of 18 years (a child).
- b) Someone who is over the age of 18 who is, or may be in need of community care services for reasons of mental health, learning disability or other disability, age or illness and is, or may be, unable to take care of him/herself, or unable to protect him/herself against significant harm or exploitation (a vulnerable adult).
- c) References to a 'young person' or to 'young people' mean a person aged over 16 but under 18. Those aged 16-18 are included in the legal definition of a child.

The term 'abuse' covers physical, emotional, sexual and neglect. For vulnerable adults, abuse can also be financial, discriminatory and institutional. The term 'parents' is used in the broadest sense to include parents, carers and guardians. The term Member is interchangeable with councillor.

This policy is inclusive of all children and vulnerable adults irrespective of their age, race or ethnicity, religion, disability, sex or sexual orientation.

MONITORING AND REVIEW MECHANISMS

Monitoring mechanisms include: External (Section 11) audits; internal audits; recording of staff training at different levels; reporting to the Council's Senior Management Team and Leadership Team; Special Case Reviews; positive engagement with Essex Safeguarding Boards including the sharing of best practice and membership of communication and strategic groups within their structures. The policy will be reviewed every three years, unless policy, law or processes change in the interim.

ROLE OF THE ESSEX SAFEGUARDING BOARDS

[Essex Safeguarding Children's Board \(ESCB\)](#) is a statutory multi-agency organisation. The organisation brings together agencies who work to safeguard and promote the welfare of children. Under Section 13 of The Children Act 2004, each children's services authority in England must establish a Local Safeguarding Children's Board (LSCB).

The objective of the LSCB is to co-ordinate what is done by each person or body represented on the board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established. The ESCB Structure chart can be found [here](#). Colchester Borough Council is committed to maintaining an effective working relationship with the ESCB to help achieve its mutual aims in respect of child safeguarding.

[Essex Safeguarding Adults Board \(ESAB\)](#) is an Inter-agency forum for agreeing how the different services and professional groups should cooperate to safeguard vulnerable adults across Essex and for making sure that arrangements work effectively to identify abuse or inadequate care, help vulnerable people and plan and implement joint preventative strategies.

The ESAB aims to raise awareness and promote the welfare of vulnerable adults by the development of an effective cooperative involving people from a wide range of public and voluntary services and other organisations. The ESAB Structure chart can be found [here](#). Colchester Borough Council is committed to maintaining an effective working relationship with the ECAB to help achieve its mutual aims in respect of the safeguarding of vulnerable adults.

SAFEGUARDING RESPONSIBILITIES

Whilst safeguarding is everyone's responsibility, there are a number of specific safeguarding roles that individuals hold within Colchester Borough Council.

The following is a guide as to the safeguarding roles within the Council:

Chief Executive – Overall accountability regarding the safeguarding of children and vulnerable adults.

Designated Safeguarding Lead – Senior Officer providing a lead on safeguarding children vulnerable adults within Colchester Borough Council.

Safeguarding Co-ordinator – Works with the Designated Lead to ensure the effective implementation of the Safeguarding Policy throughout Colchester Borough Council; works to: assess and reduce risks in relation to safeguarding children and vulnerable adults; raise awareness of safeguarding issues amongst staff; establish and maintain effective multi-agency working with social care, the Police, the local Safeguarding Boards and other relevant statutory and non-statutory agencies; works to identify and provide for staff training needs.

Strategic HR Manager – Works to ensure that stringent recruitment procedures are in place and that appropriate checks are made on staff working with children and vulnerable adults. This includes administering Disclosure and Barring Service (DBS) checks and ensuring that DBS referrals are made if appropriate. Also acts as the first point of call for staff reporting safeguarding allegations made against employees.

Managers - Ensure that 'safe' recruitment is in place for all job roles that involve working with children; Carry out the correct safeguarding induction process for all new staff including booking the appropriate training; Ensure that all staff within their remit are made aware of this policy and have the appropriate ongoing training.

Designated Safeguarding Officers –Follow correct reporting procedures with lead agencies (Essex Social Care, the Police, the Safeguarding Boards) when a report is made to them by a member of staff within their remit, and then reporting to the Safeguarding Coordinator in all cases other than allegations against a member of staff or volunteer. In the case of an allegation against a member of staff or volunteer, the designated person should report to the Strategic HR Manager and Designated Safeguarding Lead. (See officer list at Appendix 1)

All employees and councillors - Adhering to best practice, participating in relevant training and reporting any disclosure, concern, incident or allegation to the appropriate Designated Officer.

Outside organisations - Delivering services involving children on behalf of Colchester Borough Council – to comply with Colchester Borough Council's Safeguarding Policy and, where relevant, to have their own policy and procedures in place.

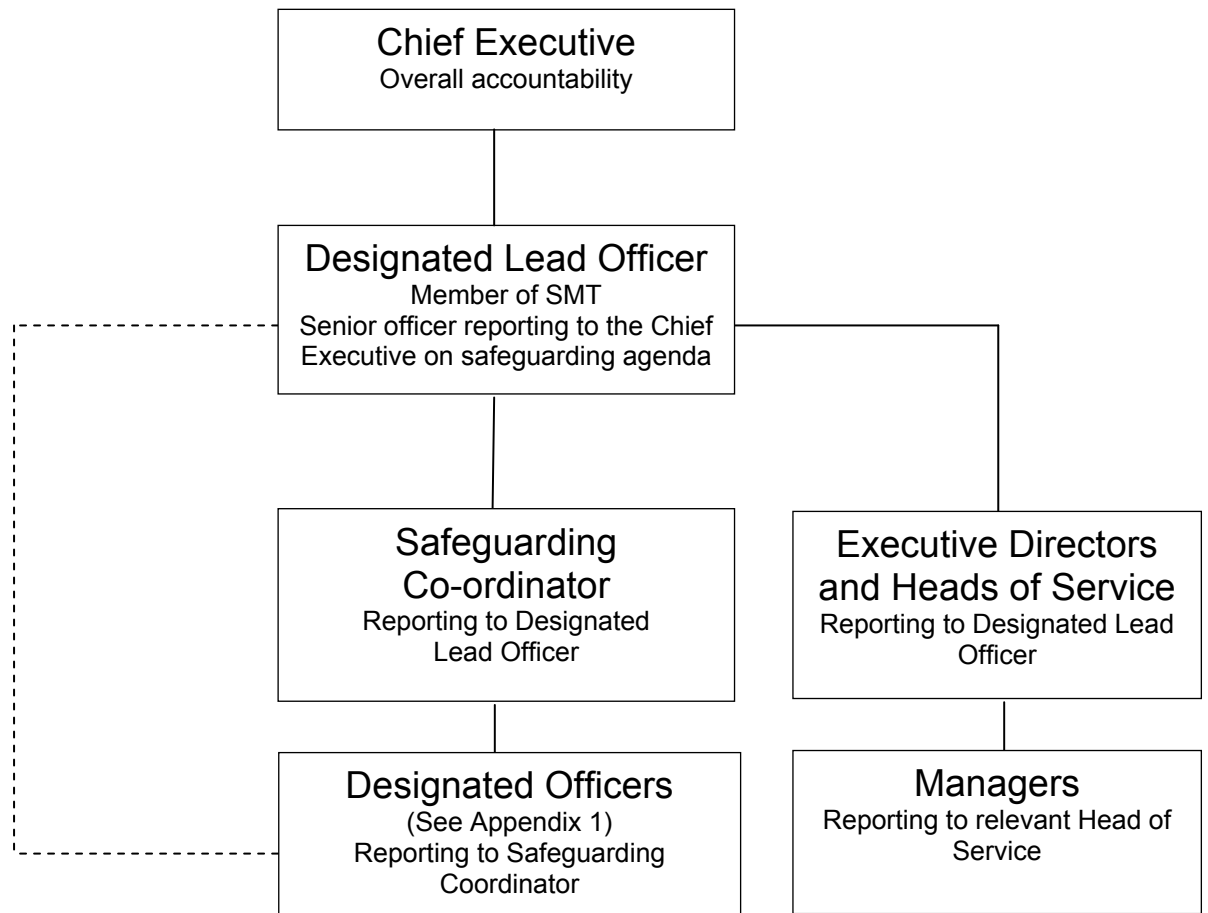
Outside hirers - Agreement to comply with Colchester Borough Council's Safeguarding Policy.

Contractors - Must agree to comply with the Council's Safeguarding Policy and where relevant have own policy and procedures in place.

COUNCILLORS

Councillors are required to adhere to the Policy. If they do not, there may be grounds for reporting their behaviour to the Standards Committee, which may require an investigation under the Councillor Code of Conduct. If a safeguarding issue occurs relating to a Councillor, the Designated Officer informed of the breach should contact the Monitoring Officer immediately. Where there is evidence of illegal activity, the councillor will be reported to the relevant authorities and may face criminal investigation. Annual awareness training will be offered to councillors.

LINES OF ACCOUNTABILITY (FOR THE SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS)



RECOGNISING POTENTIAL ABUSE

Even though many Councillors, employees and contractors have limited contact with children and vulnerable adults as part of their duties and responsibilities for Colchester Borough Council, everyone should be aware of the potential indicators of abuse and bullying and be clear about what to do if they have concerns.

There are four types of abuse that can affect children, young people and vulnerable adults: Physical, Neglect, Emotional and Sexual. In addition to these, vulnerable adults can also suffer from Financial, Discriminatory and Institutional abuse. Each type of abuse is detailed in full in Appendix 3.

It is not the responsibility of any councillor, employee or contractor to determine whether abuse is taking place. Concerns, incidents or allegations must be reported. The role of the councillor or employee is to refer the case to the appropriate person, not to investigate or make a judgement.

RESPONDING TO A CONCERN ABOUT A CHILD OR VULNERABLE ADULT

Where a member of staff is concerned about the immediate safety of a child or vulnerable adult he should:

- Call the Police on 999
- Call an Ambulance on 999 if the person needs urgent medical assistance.

Where a member of staff has concerns that a child (being a person under 18) or vulnerable adult is being harmed or neglected, or is at risk of this, they should:

- Alert the Designated Officer. (See Appendix 1 'Current Roles' for list of officers). If their team or service Designated Officer(s) is unavailable, an alternative Designated Officer should be contacted.
- The Designated Officer should support the member of staff in making an appropriate referral to Essex Social Care Direct by:
 - Telephoning Essex Social Care Direct on the following numbers:
0845 603 7634 – Child and Vulnerable Adult referrals (working hours)
0845 606 1212 – Child and Vulnerable Adult referrals (non-working hours)
 - And by completing ONE of the following referral forms:

ECC999 - in the case of Children – The completed form should be emailed securely to socialcaredirect@essex.gov.uk or sent via the postal address printed on the form. A copy should be emailed securely to the Safeguarding Coordinator.

SET SAF 1 - in the case of Vulnerable Adults – The completed form should be emailed securely to essex.socialcare@essexcc.gcsx.gov.uk or sent to the postal address printed on the form. A copy should be emailed securely to the Safeguarding Co-ordinator.

WHERE A MEMBER OF STAFF IS IMPLICATED

- If the conduct of a member of staff is implicated in the abuse of a child or vulnerable adult details should be passed to the Designated Lead or HR Strategic Manager.
- The member of staff may be suspended from all duties or relevant duties with immediate effect pending investigations.
- These allegations could potentially result in any of the following types of investigation: Criminal; Child protection; and Disciplinary or misconduct.

CONFIDENTIALITY

Employees have a duty to share information relating to suspected abuse with Essex Social Care and Essex Police.

Employees must not:

- Discuss any allegations of abuse or bullying, substantiated or not, with anyone from Colchester Borough Council other than with their line manager, a Designated Officer, the Safeguarding Co-ordinator, the Safeguarding Lead or the Strategic HR Manager.
- Discuss any allegations of abuse or bullying, substantiated or not, with any member of an external agency (excluding Essex Social Care and Essex Police), other than as part of a formal investigation,
- Discuss any allegations of abuse or bullying, substantiated or not, with any other interested party, including parents, carers and relatives of the child, young person or vulnerable adult without the express permission of the person with overall responsibility for the investigation.

This does not exclude the employee from the need or right to consult with a solicitor, trade union representative or other bona fide legal adviser.

Consent is not required to breach confidentiality (capacity issues must be considered) and make a safeguarding referral where:

- A serious crime has been committed
- Where the alleged perpetrator may go on to abuse other adults
- Other vulnerable adults are at risk in some way
- The vulnerable adult is deemed to be in serious risk
- There is a statutory requirement such as Children's Act 1989, Mental Health Act 1983, Care Standards Act 2000
- The public interest overrides the interest of the individual
- When a member of staff of a statutory service, a private or voluntary service or a volunteer is the person accused of abuse, malpractice or poor professional standards.

DATA PROTECTION

All copies of Referral Forms to Essex Social Care Direct should be retained by the Safeguarding Coordinator in a secure location to ensure confidentiality. This information will be retained in accordance with data protection periods. No other copies should be kept.

HOMELESSNESS

Colchester Borough Council owes a legal duty to provide temporary accommodation to individuals whose status and circumstances meet certain criteria as defined by statute. Officers may need to refer families or individuals to Essex Social Care outside of the safeguarding processes outlined on page 8.

Persons affected	Reason for contacting Essex Social Care
Homeless 16-17 year olds	A 16 or 17 year old may be referred to Essex Social Care for assessment to determine if they are a child in need with a duty owed to them by Essex Social Care.
Intentionally homeless household with children	If a household with children is found to be intentionally homeless, Essex Social Care Direct should be advised in writing so that they can ascertain whether a duty is owed under the Children Act 1989.

Children and vulnerable adults are only placed in Bed and Breakfast or temporary accommodation in an emergency and as a last resort. Officers complete a detailed Housing Options form with applicants. This helps to identify needs and vulnerabilities, and assists in the process of safeguarding both children and vulnerable adults.

USE OF CONTRACTORS

Colchester Borough Council will take reasonable care that contractors doing work on its behalf are monitored appropriately. Any contractor or sub-contractor engaged by the Council in areas where workers are likely to come into regular contact with children or vulnerable adults, should have its own equivalent child protection and vulnerable adult policies, or failing this, must comply with the terms of this policy. This requirement will be written into the contract. Where contact with children and vulnerable adults is a necessary part of the contracted service, it is the responsibility of the manager who is using the services of the contractor to ensure that satisfactory Disclosure and Barring Service (DBS) checks have been completed where appropriate.

GRANT APPLICATIONS

Safeguarding policies and procedures are required from all grant funded organisations. In addition, satisfactory DBS checks may be required from appropriate individuals working with children and vulnerable adults which seek funding from the Council. (Such requirements are subject to relevant legislation including the 'regulated activity' criteria contained within the Protection of Freedoms Act 2012). This information will be requested at the application stage and applications will not be processed without the relevant documentation.

As a minimum, any organisation receiving funding from the Council will be expected to have a statement of policy and procedure regarding safeguarding, in place and understood by employees and volunteers, and available to service users.

This applies to all organisations the Council awards grants to, irrespective of how the grant has been awarded. An example policy to use is included in Appendix 10. Commissioned/contracted or grant-funded organisations with minimal contact with children, young people or vulnerable adults may wish to adopt the Council's policy and procedures if deemed suitable.

LICENSING

The Council is responsible for carrying out certain licensing functions. Protection of children from harm is a licensing objective that the Council is legally obliged to consider as part of its licensing function, in particular when licensing premises under the Licensing Act 2003 or the Gambling Act 2005.

HEALTH AND SAFETY

Where the Council inspects premises to discharge its legal responsibilities in this area, employers may be obliged to carry out risk assessments, including for the employment of young people. As part of the inspection process, officers may examine such risk assessments to determine their suitability. If evidence is gained that young people are working without relevant permits in place, or in 'unsuitable workplaces', the Council will report this to Essex Social Care Direct.

PHOTOGRAPHY AND PORNOGRAPHY

It is an unfortunate fact that some people have used children's events as opportunities to take inappropriate photographs or footage of children and young people. Councillors, employees and contractors should be vigilant at all times. Anyone using cameras or film recorders for or on behalf of the Council must have either completed media consent forms from the parents of children being photographed or filmed, or have checked with the parent or guardian, before the activity commences. When commissioning professional photographers or inviting the press to cover the organisation's services, events and activities, the Council will ensure that expectations are made clear in relation to child protection.

There are some easy steps to take:

1. Check credentials of any photographers and organisations used.
2. Ensure identification is worn at all times.
3. Do not allow unsupervised access to children or vulnerable adults including through one-to-one photographic sessions.
4. Do not allow photographic sessions outside of the activities or services, or at a child's home.
5. It is recommended that the names of children or vulnerable adults should not be used in photographs or footage, unless with the express permission of the parent/carer of the child, young person or vulnerable adult.

Council employees should contact the Communications Team for advice and a copy of the Media Consent Form before the activity commences.

HUMAN TRAFFICKING

Colchester Borough Council recognises that local authorities have specific responsibilities under the Council of Europe's 2006 'Declaration on the Fight against Trafficking of Human Beings' to which the UK is a signatory. Staff should discuss concerns they may have with the Designated Officer. Signs which may indicate Human Trafficking are available in Appendix 8, along with details of the United Kingdom Human Trafficking Centre (UKHTC) which is a national organisation that can provide advice. Additional information and guidance can be found on the Hub.

SAFEGUARDING TRAINING

Whenever Colchester Borough Council recruits employees it will ensure that they are well informed, trained, supervised and supported so that they are less likely to become involved in actions that may cause harm to children or vulnerable adults, or be misunderstood.

Appropriate training will take place by the following process:

Induction

All new employees and councillors will be made familiar with their responsibilities in regard to the safeguarding of children and vulnerable adults. Employees are directed to access key information contained within the Safeguarding Section on the Hub. In addition, relevant staff will be required to take the Child Safeguarding Level 1 course on the Council's e-learning platform.

Ongoing Training Needs

The level to which individual employee training is required is determined in accordance with the training guidance issued by Essex Safeguarding Children Board and Essex Safeguarding Adults Board.

Who requires this training	Level of training required
All staff. This includes those staff in regular contact with, or who have periods of intense but irregular contact, with children and vulnerable adults – for example Sport and Leisure employees.	All staff are required to complete e-learning courses: 'Child Safeguarding level 1' and 'Vulnerable Adults Safeguarding'. For staff who do not have internet access a hard copy of the course is provided and HR require and record its completion by staff signature. Training should be refreshed every 3 years. Basic safeguarding information is included at induction of new staff.

Members of the workforce who work predominantly with children, young people, vulnerable adults and/or their parents/carers – for example Sports Coaches, Nursery Nurses.	Relevant staff are required to complete Child Safeguarding level 2 and Vulnerable Adult training to the equivalent level. Training should be refreshed every 3 years.
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Councillors will be invited to attend annual Safeguarding awareness sessions to update their knowledge and provide an opportunity to review best practice and experiences.

SAFE RECRUITMENT

Colchester Borough Council is committed to taking all reasonable steps to prevent unsuitable people working with children and vulnerable adults.

All job descriptions are risk assessed within the organisation to identify which jobs are likely to involve regular and/or substantial unsupervised contact with children and vulnerable adults. For all new employees, confirmation of employment will be dependent on satisfactory checks where appropriate.

Disclosure and Barring Service (DBS) checks are sought where employees and volunteers have substantial or regular or unsupervised contact with children, young people or vulnerable adults as part of their duties or responsibilities for or on behalf of the organisation. Checking activity will be consistent with relevant legislation, especially the ‘regulated activity’ criteria contained within the Protection of Freedoms Act 2012.

DBS checks only guarantee that the person concerned does not have a relevant criminal conviction up to the date that the certificate is issued.

See Appendix 10 to view the Council’s ‘Managers Guide to Recruitment’. Appendix VII of this guide includes a checklist which managers are required to adhere to as part of the process to ensure safe recruitment.

WORK EXPERIENCE / INTERNS

Colchester Borough Council may offer work experience placements across the organisation to a number of young people each year. This is beneficial to both the young person and to the Council. When the organisation offers a work experience placement, managers have a responsibility for their health, safety and welfare. Under health and safety law, these students will be regarded as employees.

APPENDIX 1: CURRENT ROLES

Key staff with responsibilities for Safeguarding – 2013

Designated Officers, Safeguarding

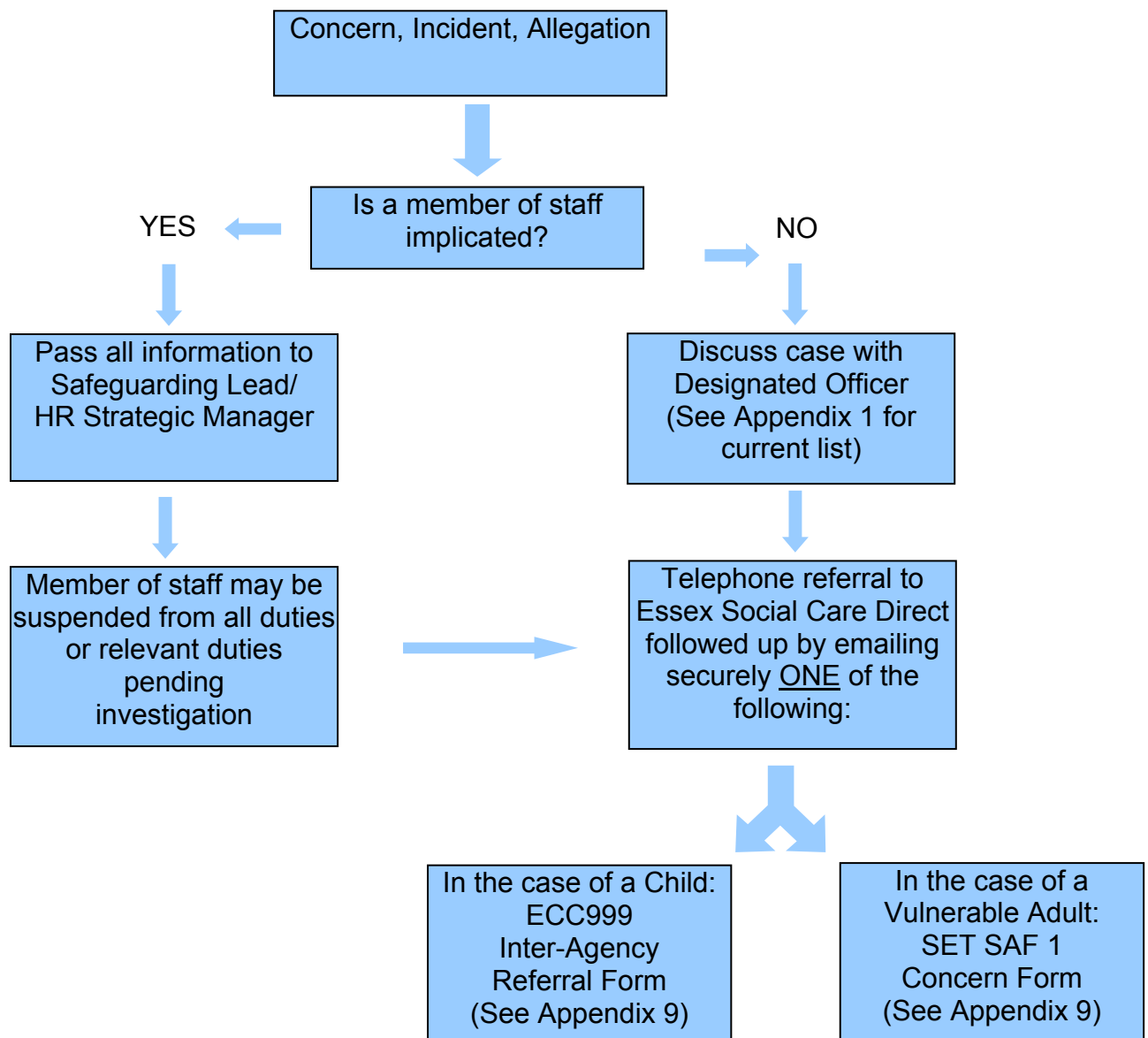
Corporate Management	Jessica Douglas
Customer Service Centre	Roz Clough
Environmental and Protective Services	Karen Newman
Environmental and Protective Services	Saskia Stent
Environmental and Protective Services	Lynda Scott
Environmental and Protective Services	Karen Webber
Housing Options	Nicorum Flaherty
HR and Safer Recruitment	Mike Thurston
Legal Services	Andrew Weavers
Life Team	Michele James
Procurement	Elfreda Walker
Resource Management	John Fisher
Sport and Leisure	Paul Youngman
Sport and Leisure	Nicki Lush
Sports Development	Ian Duggan
Strategic Housing and Colchester Borough Homes (CBH)	Tina Hinson
Street Services	Cassandra Clements
Street Services – Monitoring Centre	Jayne Albone
Youth and Community Services	Bridget Tighe
Youth and Community Services	Fay Mathers

Other Roles

Delegated Lead Officer	Lucie Breadman
Head of HR	Mike Thurston
Safeguarding Co-ordinator	Andrew Harley

APPENDIX 2: PROCEDURE FLOWCHART

What members of staff or councillors should do in the case of a concern, incident or allegation about the abuse of a child or vulnerable adult:



Essex Social Care Direct

0845 603 7634 – Child and Vulnerable Adult referrals during working hours
 0845 606 1212 – Child and Vulnerable Adult referrals outside working hours
 0845 603 7627 – Enquiries and information.

ECC999 – email securely to socialcaresdirect@essex.gov.uk.

SET SAF1 – email securely to essex.socialcare@essexcc.qcsx.gov.uk

APPENDIX 3: TYPES OF ABUSE

There are seven main types of abuse that can affect children, young people and vulnerable adults. The table below details who each type of abuse affects, and the physical and behavioural indicators that staff should look out for:

Type of Abuse	Who it affects	Physical Indicator	Behaviour Indicator
Physical	Children, Young People and Vulnerable Adults	<ul style="list-style-type: none"> • Unexplained bruising, marks or injuries • Bruises which reflect hand marks • Cigarette burns • Bite marks • Broken bones • Scalds 	<ul style="list-style-type: none"> • Fear of parent being contacted • Aggressive or angry outburst • Running away • Fear of going home • Flinching • Depression • Keeping arms/legs covered • Reluctance to change clothes eg wearing long sleeves in hot weather • Withdrawn behaviour
Emotional	Children, Young People and Vulnerable Adults	<ul style="list-style-type: none"> • Developmentally delayed • Sudden speech disorders • Loss of appetite / loss of weight • Disturbed Sleep 	<ul style="list-style-type: none"> • Neurotic behaviour e.g. hair twisting, rocking • Unable to play/take part • Fear of making mistakes • Sudden speech disorders • Self harm or mutilation • Fear of parents being contacted
Neglect	Children, Young People and Vulnerable Adults	<ul style="list-style-type: none"> • Constant hunger, stealing food • Unkempt state • Weight loss/underweight • Inappropriate dress • Untreated physical illnesses • Constantly tired 	<ul style="list-style-type: none"> • Truancy/late for school • Withholding of 'necessaries', eg nutrition, medication, healthcare, social stimulation • Withholding assistance to use toilet, keep clean, warm and comfortable

Sexual	Children, Young People and Vulnerable Adults	<ul style="list-style-type: none"> • Pain/itching in the genital area • Bruising/bleeding near genital area • STIs • Vaginal discharge/ infection • Stomach pains • Discomfort when walking/ sitting • Pregnancy 	<ul style="list-style-type: none"> • Sudden change in behaviour • Nightmares • Unexplained sources of money • Sexual drawings/ language • Bedwetting • Self-harming behaviours • Secrets which cannot be told to anyone • Behaving beyond their age
Financial	Vulnerable Adults	<ul style="list-style-type: none"> • Stealing money • Prevention of necessary care options 	<ul style="list-style-type: none"> • Never having money for activities, snacks or treats • Unexplained or sudden inability to pay bills • Personal possessions of value go missing from home without explanation • Pressure or misappropriation of property, wills, bank accounts, benefits or assets
Discriminatory		<ul style="list-style-type: none"> • Ignoring dietary requirements 	<ul style="list-style-type: none"> • Direct or indirect discrimination based on race, gender, culture, disability, sexuality, religion, belief or values • Omitting services or activities based on preconceived ideas about someone's age or condition
Institutional		<ul style="list-style-type: none"> • Poor care planning • Inflexible routines • Lack of privacy 	<ul style="list-style-type: none"> • The routine/ practice or management that is not responsive to or respectful to the individuals served • Little opportunity for outside activities

APPENDIX 4: POLICY STATEMENT AND PROCEDURE TEMPLATE

Voluntary organisations are free to use all or any sections of the Safeguarding Policy. Below is the minimum acceptable for any organisation receiving funding from Colchester Borough Council.

Policy Statement

Children, young people and vulnerable adults have the right to participate, have fun and be safe in the services provided for them and the activities they choose, or their parents/carers choose for them. *(Name of organisation)* is committed to safeguarding children, young people and vulnerable adults and protecting them from abuse when they are engaged in services organised and provided by *(name of organisation)*. We will endeavour to keep children, young people and vulnerable adults safe from abuse and suspicion of abuse will be responded to promptly and appropriately. We will act in the best interest of the child, young person or vulnerable adult at all times. We will proactively seek to promote the welfare and protection of all children, young people and vulnerable adults. *(Name of organisation)* will ensure that unsuitable people are prevented from working with children, young people and vulnerable adults through using safe recruitment and selection processes.

(Name of organisation) will take any concern made by a service user, employee, volunteer or child/vulnerable adult seriously and sensitively. Concerns cannot be anonymous and should be made in the knowledge that, during the course of any enquiries, the agency that made that referral will be made clear.

(Name of organisation) will not tolerate harassment of any service user, employee, volunteer or child/vulnerable adult who raises concerns of abuse.

Procedure

Any concerns will be brought to the attention of *(named senior person)* who will report the concern to a Designated Safeguarding Reporting Officer or to Essex Social Care Direct. Those raising the concern must be made aware that the concern will be shared with appropriate people but will be treated in confidence as far as possible. Officers, employees and volunteers must not discuss the concern except with the designated officer and any agent of the organisation responsible for investigating the concern.

APPENDIX 5: SAFEGUARDING LEGISLATION

The following legislation and guidance underpin the safeguarding policy and aim to ensure that children, young people and vulnerable adults are protected from harm.

Below is a comprehensive list of legislative acts that empower and compel organisations to ensure adequate safeguarding measures for children are in place.

At present, there is no specific piece of legislation relating to safeguarding adults. This does not mean that there are no powers to act – rather that the legislation is fragmented. A wide range of legislation applicable to adults who may be vulnerable has been developed over a number of years. It includes laws about adult care services, where upper-tier councils have the statutory lead, and laws about crime, contracts and property, human rights, and mental health and capacity.

Legislation	Description
The United Nations Convention on the Rights of the Child 1989	The Convention on the Rights of the Child was adopted by the UK in 1991 (with reservations) but in full in 2008. It was the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights. In 1989, world leaders decided that children needed a special convention just for them because people under 18 years old often need special care and protection. The leaders also wanted to make sure that the world recognised that children have human rights too.
Children Act 2004	Section 11 places a statutory duty on district councils to make arrangements to ensure that in discharging their functions they consider the need to safeguard and promote the welfare of children. Section 10 outlines the duty to promote inter-agency cooperation between named agencies (including district councils). There is a reciprocal duty on those agencies to co-operate with the Child Support Agency (CSA) in budget pooling – a key provision that underpins children’s trust arrangements. Section 13 requires each local authority to be a statutory partner of the Local Safeguarding Children Board. Section 17 entitles district councils to be consulted on the CSA’s Children and Young People’s Plan (CYPP).

<p>The Apprenticeships, Skills, Children and Learning Act 2009</p>	<p>Section 9 makes amendments to the Children Act 2004, specifically regarding the establishment of Children’s Trust Boards. The Children’s Trust comprises:</p> <ul style="list-style-type: none"> a) the local authority including all constituent services that impact on children and families, such as housing, b) named statutory ‘relevant partners’ – this includes district councils, c) any other partners the local authority considers appropriate. <p>The ‘relevant partners’ are placed under a duty to cooperate in the making of arrangements to improve wellbeing and have a power to pool budgets and share other resources.</p>
<p>The Human Rights Act 1998</p>	<p>Sets out the rights of children and families to challenge what they perceive to be an infringement of their human rights.</p>
<p>Protection of Children Act 1999</p>	<p>Sets out the framework to enable employers to check on the suitability of employees to work with children. This act builds on the Police Act (1997), which set up the Criminal Records Bureau.</p>
<p>The Sexual Offences (Amendment) Act 2000</p>	<p>Introduces the concept of ‘abuse of trust,’ whereby adults could commit an offence in engaging in sexual activity with someone younger than them if they are seen to be in a position of trust, even if the younger person is above the age of consent (16-18 in the case of child protection).</p>
<p>The Sexual Offences Act 2003</p>	<p>This replaced the Sex Offenders Act (1997). This incorporated 50 new offences, including a new ‘Grooming’ offence. Offences also include the use of the internet in child abuse and abuse of positions of trust. It also includes a new definition of rape.</p>
<p>Care Standards Act 2000</p>	<p>The Care Standards Act 2000 sets out a regulatory framework and standards for services people might receive. This applies to regulated services such as residential care, domiciliary care or adult placement schemes. Part 7 makes provision for the Protection of Vulnerable Adults (POVA) scheme to prevent abusers from working with vulnerable adults. This sets out a regulatory framework and standards for services people might receive. This applies to regulated services, including care in a care home, domiciliary care and adult placement schemes (now referred to as Shared Lives).</p>

Mental Capacity Act 2005	Made it an offence to neglect or deliberately ill-treat a person who lacks capacity. It put arrangements in place for advocacy support and best-interest decision-making.
Safeguarding Vulnerable Groups Act 2006	Created the Independent Safeguarding Authority (ISA) ¹ , which aims to prevent unsuitable people working with children and vulnerable adults. It includes social care services, as well as health, education, housing support and supporting people services.
Every Child Matters, the Government's vision for children's services (no longer in force, yet the principles remain key cross cutting priorities)	<p>This set out 5 key outcomes - be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic wellbeing. District councils contribute to these outcomes in a variety of ways:</p> <ul style="list-style-type: none"> • Housing – for example: preventing homelessness, providing supported accommodation for young parents and care leavers, re-housing families fleeing domestic abuse, supported accommodation for vulnerable adults, adaptations to properties etc. • Planning – for example: providing appropriate play facilities in new housing developments, making road safety schemes child-friendly. • Culture, leisure and learning opportunities – for example: provision of local leisure centres, art, crèche and playgroup facilities, museums, theatres. • Environmental health services – for example: promoting the health of children and adults, particularly in relation to food hygiene and nutrition. <p>There are a number of other ways that district councils contribute to improving outcomes for children, young people and vulnerable adults, including community safety, and as a licensing authority, the roll out of children's centres and the promotion of local employment.</p>

¹ In December 2012, the Disclosure and Barring Service (DBS) merged the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

APPENDIX 6: SAFE WORKING PRACTICES

Guidelines for Conduct when working/having contact with Children and Vulnerable Adults

It is best practice for councillors, employees and contractors who have contact with children, young people or vulnerable adults to follow these guidelines:

- Always be publicly open to scrutiny when working with children, young people and vulnerable adults and avoid situations where an employee, volunteer or service provider and a child or children or a vulnerable adult(s) are alone, unobserved.
- Children, young people and vulnerable adults have a right to privacy, respect and dignity. Respect the child, young person or vulnerable adult and provide a safe and positive environment.
- All children, young people and vulnerable adults should be treated equally in the context of any activity.
- Councillors, employees and contractors must put the wellbeing and safety of the child, young person or vulnerable adult before the development of performance.
- If a child, young person or vulnerable adult is accidentally injured as the result of a Councillor, employee or contracted service provider's actions; seems distressed in any way; appears to be sexually aroused by your actions; misunderstands or misinterprets something you have done; always report such incidents as soon as possible to your line manager and the Designated Safeguarding Officer and make a written report.
- If a child or vulnerable adult arrives at an activity or service showing signs or symptoms that give you cause for concern, you must act appropriately following the procedures outlined above in the policy.
- When administering first aid, employees should ensure that another adult is present where possible, or is aware of the action being taken. Parents/carers should always be informed when first aid is administered.

NEVER:

- Take children, young people and vulnerable adults to your home where they will be alone with you.
- Engage in rough physical games including horseplay.
- Engage in sexually provocative games.
- Allow, encourage or engage in inappropriate touching of any form.
- Allow children, young people and vulnerable adults to use language inappropriate to the circumstances, unchallenged, or use it yourself.
- Make sexually suggestive comments about or to a child, young person or vulnerable adult, even in fun.
- Let an allegation a child, young person or vulnerable adult makes be ignored or unrecorded.

NEVER (continued):

- Do things of a personal nature for children, young people and vulnerable adults that they can do for themselves, for example assist with changing. It may sometimes be necessary to do things of a personal nature for children or vulnerable adults, particularly if they are very young or are disabled. These tasks should only be carried out with the full understanding and consent of parents/carers. In an emergency situation that requires this type of help, you should endeavour to have someone else present and inform the parents/carers as soon as is reasonably possible. In such situations it is important that all employees treat the child with the utmost discretion.
- Share a room with a child, young person or vulnerable adult.
- Enter areas designated only for the opposite sex.
- Use the internet or any other electronic or telephone device to access child pornography sites.

APPENDIX 7: MISSING CHILDREN OR UNCOLLECTED CHILDREN

Missing children

- When a member of staff becomes aware that a child has gone missing, the supervisor and manager should be informed immediately.
- The manager will inform reception and all other operational staff. Reception staff will be responsible for watching the entrance and exits.
- The supervisor will begin a thorough search of the building, using all supernumerary staff. This will be carried out in a calm manner.
- If the child has not been found after five minutes, the child's parents will be informed (if they are not already aware)
- If the child has not been found after fifteen minutes, the police will be informed.
- The search will continue with as many staff as are available (whilst safety of other children is maintained) until the police arrive and advise further action accordingly.
- The manager should liaise with the Safeguarding Co-ordinator and/or the Safeguarding Lead in regard to communication with the police and the parents.
- When the situation has been resolved, a thorough risk assessment of the circumstances surrounding the incident will be carried out, with safeguards being implemented where possible or necessary to prevent the situation occurring again.
- All relevant agencies will be informed and a comprehensive record of the incident will be kept confidentially.

Uncollected children

- Every effort will be made to contact a parent/carer using the details supplied on the booking form.
- The children will be supervised at all times whilst waiting for their parent/carer to arrive.
- Under no circumstances will a member of staff take the child home.
- If a child's parents/carers cannot be contacted by staff after one hour, the manager or Designated Safeguarding Officer will contact Essex Social Care direct for advice, which will be followed.
- The child will remain under the care of staff until the parent/carer arrives or until Essex Social Care takes over responsibility for the child.
- Staff must continue to try and contact the parent/carers throughout this process.
- All events must be clearly recorded by all relevant staff as well as the Safeguarding Co-ordinator and duty manager. This record will be kept confidentially by the Safeguarding Co-ordinator.

APPENDIX 8: HUMAN TRAFFICKING

Signs that a child may have been trafficked:

There are a number of circumstances that could indicate that a child may have been trafficked to the UK and may still be in the control of the trafficker or the receiving adults. These include situations in which the child:

- Does not appear to have money but does have a mobile phone
- Is driven around by an older male or 'boyfriend'
- Is withdrawn and refuses to talk
- Shows signs of sexual behaviour or language
- Shows signs of physical or sexual abuse and/or has contracted a sexually transmitted disease
- Has a history with missing links and unexplained moves
- Is required to earn a minimum amount of money every day
- Works in various locations
- Has limited freedom of movement
- Appears to be missing for periods.

Or situations where the child:

- Is known to beg for money
- Is being care for by adults who are not parents. The quality of the relationship between the child and the carers is not good
- The presentation of a trafficked child is usually very different from other children living in the same household
- Has not been registered with or attended a GP practice
- Has not been enrolled in school
- Has to pay off an exorbitant debt, perhaps for the travel costs, before being able to have control of earnings
- Hands over a large part of earnings to another person
- Is excessively afraid of being deported
- Has had their journey or visas arranged by someone other than family
- Does not have possession of their own travel documents
- Is unable to confirm who is going to have responsibility for her/him
- Has entered the country illegally.

The United Kingdom Human Trafficking Centre (UKHTC) is a multi-agency organisation led by the Serious Organised Crime Agency (SOCA). Its role is to provide a central point of expertise and coordination to combat human trafficking. More information and contact details for support from UKHTC are on its website - [The United Kingdom Human Trafficking Centre \(UKHTC\)](#)

APPENDIX 9: SAFEGUARDING FORMS FOR STAFF

[ECC999 Inter-Agency Referral Form – Children and Young People](#)

[SET SAF 1 Form – Safeguarding Adults Concern Form](#)

[SET SAF 1 Guidance](#)

[Media Consent Form – Colchester Borough Council – Photography](#)

[Media Consent Form – Colchester and Ipswich Museums Service - Photography](#)

Click on the links above to access the forms and available guidance on the Hub or contact the Equality and Safeguarding Co-ordinator.

APPENDIX 10: RELATED INFORMATION FOR STAFF

[SET Procedures](#)

[Whistleblowing Policy Statement](#)

[Code of Conduct](#)

[Managers Guide to Recruitment](#)

[Information Sharing Protocol](#)

[**Information on the Hub about Safeguarding Children and Vulnerable Adults**](#)

Click on the links above to access related information, forms and guidance for staff on the Hub or contact the Equality and Safeguarding Co-ordinator.

APPENDIX 11: USEFUL CONTACTS AND WEBSITES

- **Essex Safeguarding Children Board** – A multi-agency organisation which works to bring together agencies who work to safeguard and promote the welfare of children.
 - <http://microsites.essexcc.gov.uk/microsites/ESCB/>
- **Essex Safeguarding Adults Board** – An inter-agency forum for agreeing how the different services and professional groups should cooperate to safeguard vulnerable adults across Essex.
 - <http://microsites.essexcc.gov.uk/microsites/ESAB/>
- **Essex Police**
 - Non emergency number – 101
 - Emergency – 999.
- **NSPCC Child Protection Helpline** – Tel: 0808 800 5000
 - www.nspcc.org.uk
- **Disclosure and Barring Service** - The DBS merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).
 - Tel: 0870 9090 811 (checks) or 01325 953795 (referrals/barring)
 - <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/>
- **Ask SAL:** The Ask SAL helpline is a partnership project between the Southend, Essex and Thurrock Safeguarding Adults Boards and Essex County Council. Individuals can use this helpline to report if they see, hear or suspect that a vulnerable adult is being abused.
 - Ask SAL helpline – Tel: 08452 66 66 63
 - <http://www.asksal.org.uk/>
- **Child Protection in Sport Unit:** Sports organisations can seek advice on child protection issues from the Child Protection in Sport Unit: (CPSU) which has been established as a partnership between the NSPCC and Sport England. CPSU / NSPCC provide advice and assistance on developing codes of practice and child protection procedures to sporting organisations.
 - Tel: 0116 234 7278
 - Email: cpsu@nspcc.org.uk
 - http://www.nspcc.org.uk/Inform/cpsu/cpsu_wda57648.html
- **Public Concern at Work:** Provides free confidential advice on how to raise a concern about malpractice at work. Tel: 020 7404 6609
<http://www.pcaw.co.uk/>
- **Safeguarding Co-ordinator:** Colchester Borough Council
 - Tel: 01206 282880, Email: andrew.harley@colchester.gov.uk
 - ['Safeguarding Children and Vulnerable Adults' - CBC webpages](#)

PETITIONS, PUBLIC STATEMENTS, QUESTIONS

(i) Have Your Say speakers

Date of Meeting	Details of Member of the Public	Subject Matter	Form of Response	Date Completed
Cabinet may wish to note that there were no public speakers at Cabinet on 23 January 2013				

(ii) Petitions

Date petition received	Lead Petitioner	Subject Matter	Form of Response	Date Completed
None received				

