

# Governance and Audit Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ**

**Tuesday, 16 December 2025 at 18:00**

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

## **Information for Members of the Public**

### **Access to information and meetings**

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

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

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

### **Have Your Say!**

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

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

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

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### **Access**

There is wheelchair access to the Town Hall from the rear of the Town Hall off St Runwald Street and wheelchair access to the Old Library from West Stockwell Street. There is an induction loop in all the meeting rooms.

### **Security Procedures**

It is a condition of entry that members of the public are searched on arrival. This is conducted by a member of the Council Hall Keeping team. This may include a search of your person and bags with an electronic device or by hand. Please inform the Hall Keeping Team if you have a health condition. The team will always include a female member. The team are Security Industry Authority trained and the searches are conducted in line with the relevant regulations. Please note that placards, large bags, umbrellas, food and items that might disturb the meeting must be left in reception for collection on exit.

### **Facilities**

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

### **Evacuation Procedures**

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

To consider and approve the Council's Statement of Accounts in accordance with the Accounts and Audit Regulations 2015.

### **Core functions as defined in the CIPFA's Position Statement: Audit Committees in Local Authorities and Police 2022**

1. Maintenance of governance, risk and control arrangements:
  - Supporting a comprehensive understanding of governance across the organisation,
  - Considering the effectiveness of the authority's risk management arrangements,
  - Monitoring the effectiveness of the systems of internal control.
2. Financial and governance reporting
  - Ensuring that the authority's accountability statements properly reflect the risk environment,
  - Supporting the maintenance of effective arrangements for financial reporting.
3. Establishing appropriate and effective arrangements for audit and assurance
  - Considering the arrangements in place to secure adequate assurance across the authority's full range of operations,
  - Overseeing the independence of the authority's internal audit functions,
  - Considering the opinion, reports and recommendations of external audit and inspection agencies and the implications,
  - Contributing to the operation of efficient and effective external audit arrangements,
  - Supporting effective relationships between all providers of assurance, audits and inspections.
4. Annual Report
  - Publishing an annual report on the work of the Committee by reporting annually to Full Council on the Committee's findings, conclusions and recommendations,
  - Reporting to Full Council where the Committee wishes to raise concerns within its remit.

### **Miscellaneous regulatory matters**

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

To determine and approve Community Governance Reviews.

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

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

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

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

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

### **Landlord Social Housing**

To monitor (in the City Council's capacity as landlord of social housing) compliance and delivery of the Regulator of Social Housing's Consumer and Rent Standards, providing assurance to Full Council.

### **Standards**

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

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

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

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

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

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

### **General**

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

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

**COLCHESTER CITY COUNCIL**  
**Governance and Audit Committee**  
**Tuesday, 16 December 2025 at 18:00**

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

Councillor Alison Jay	Chair
Councillor Dave Harris	Deputy Chair
Councillor Paul Dundas	
Councillor Sam McLean	
Councillor Sara Naylor	
Councillor Natalie Sommers	
Councillor William Sunnucks	

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

All members of the Council who are not currently appointed by the Council to the Board of Colchester Commercial (Holdings) Limited or the Board of Colchester Borough Homes Limited as a director.

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

**Please note that Agenda items 1 to 2 are normally dealt with briefly.**

**1 Welcome and Announcements**

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

## 2 **Substitutions**

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

## 3 **Urgent Items**

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

## 4 **Declarations of Interest**

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

## 5 **Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes of the meeting held on 21 October 2025, including those contained in Part B of the agenda, are a correct record.

### **Governance and Audit Committee draft minutes 21-10-2025**

9 - 14

## 6 **Have Your Say! (Hybrid Council Meetings)**

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

## 7 **Core**

### 7(i) **Local Government and Social Care Ombudsman – Annual Review Letter 2025**

15 - 20

The Committee will consider a report which provides details of Colchester City Council's Annual Review Letter for 2025, which is provided by the Local Government and Social Care Ombudsman detailing the number of complaints it has received regarding each local authority.

### 7(ii) **Review of the Council's Ethical Governance Policies**

21 - 106

The Committee will consider a report requesting the Committee to review the Council's updated Ethical Governance policies. These are the key policies which set out the standards of conduct and

integrity that the Council expects of councillors, staff, partners, suppliers and customers when conducting Council business. They contain procedures for dealing with breaches of the policies and processes to be followed.

**7(iii) Review of Local Code of Corporate Governance 2024/25** 107 - 150

The Committee will consider a report requesting that it review the Local Code of Corporate Governance for 2025/26. The Local Code of Corporate Governance is how the Council demonstrates that its structures comply with the recognised principles of good governance. The Committee is also requested to recommend that Full Council includes the Code in its Policy Framework which comprises all of the Authority's key policies.

**8 Standards**

**8(i) Annual review of the Members' Code of Conduct and the Council's Localism Act Arrangements** 151 - 174

The Committee will consider a report requesting that it review the Councillors' (Members') Code of Conduct, the Council's Localism Act Arrangements for dealing with complaints made regarding councillors. The report also provides an update on the number and types of complaints received under the Members' Code of Conduct.

**8(ii) Member Officer Protocol** 175 - 186

The Committee will consider a report inviting to approve the Member / Officer Protocol and that it be included in the Council's Constitution.

**8(iii) Gifts and Hospitality – Review of Guidance for Councillors and Policy for Employees** 187 - 198

The Committee will consider a report requesting that it approve updated guidance for councillors regarding any gifts and hospitality received in their role as a councillor and for employees in relation to any gifts and hospitality received.

**8(iv) Guidance for Members on Dispensations** 199 - 206

The Committee will consider a report requesting that it approve the attached Guidance for Members and Co-opted Members on Dispensations and that it be included in the Constitution.

**8(v) Guidance for Councillors and Officers on Outside Bodies** 207 - 220

The Committee will consider a report requesting that it approve the attached Guidance for Councillors and Officers on Outside Bodies and that it be included within the Constitution.

**8(vi) Constitutional amendment** 221 - 222

The Committee will consider a report which requests that it endorse the proposed change by the Leader of the Council to the Leader's Scheme of Delegation to Cabinet.

**9 Shareholder**

**9(i) Amphora Draft Accounts 2024/2025** 223 -  
226

The Committee will consider a report which presents to it the unaudited accounts for the Council's wholly owned companies for 2024/2025.

**9(ii) Verbal update from the Managing Director, Amphora Group**

The Committee will receive a verbal update from the Managing Director, Amphora Group in respect of Amphora's Financial Model and Grounds Maintenance.

**10 Work Programme 2025-2026** 227 -  
232

The Committee will consider a report which sets out its work programme for the current municipal year.

**11 Exclusion of the Public (not Scrutiny or Executive)**

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

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

**Not for publication - Governance and Audit Committee Draft minutes 21-10-2025**

- This report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial / business affairs of a particular person, including the authority holding information).

**Item 9(i) confidential appendices**

- This report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial / business affairs of a particular person, including the authority holding information).





## GOVERNANCE AND AUDIT COMMITTEE

21 October 2025

*Present:-* Councillor Alison Jay (Chair)  
Councillor Paul Dundas  
Councillor Sam McLean  
Councillor Sara Naylor  
Councillor Natalie Sommers  
Councillor William Sunnucks

*Substitutions:*

*Also Present:-* Councillor Martyn Warnes

### **521. Minutes of the previous meeting**

*RESOLVED* that: the minutes of the meeting held on 9 September 2025 be approved as a correct record.

### **522. Colchester Borough Homes Annual Governance Statement 2024/25**

The Committee considered a report which asked that it review, consider and comment on the Annual Governance Statement (AGS) of Colchester Borough Homes (CBH).

Angelique Ryan, Director of Resources CBH, attended the meeting to present the report and assist the Committee with its enquiries. The Committee was advised that the annual governance report which was before it differed from the quarterly performance reports which it considered as it focussed on providing governance assurance.

The Committee heard that David Hart, Chair of Finance and Audit Committee CBH, who was present at the meeting, was an executive director at a housing association and benefited both the Finance and Audit Committee of CBH and the Board of CBH with a wealth of expertise.

The Committee was asked to note the financial statement which had been presented to it, and which had been signed off by the external auditors of CBH with a clean audit opinion. Full accounts were available at Companies House, and a link to these had been provided in the report. Also before the Committee was a summary of

internal audit outcomes, together with the opinion of the head of internal audit, which was positive. Also included was a high level breakdown of CBH's management fee and income and expenditure headlines, and this information related to CBH only and did not cover the wider Housing Revenue Account (HRA). The Committee was asked to consider and comment on the AGS, and accept the assurance which had been provided by CBH.

A Committee member was pleased to note the focus of the Board on CBH, and was comforted by the scrutiny that took place in relation to CBH's financial position. He did, however, express some surprise that the accounts had not been formally presented to this Committee in its role as shareholder committee, and considered that there was a huge liability associated with CBH in terms of pensions, and it was not clear how this had been represented in the accounts. An additional concern was that the Council's assets were not sitting in CBH, but rather were in the HRA, over which there appeared to be no significant governance. The HRA contained levels of debt which he considered were not remotely sustainable, and there was a need to know who was responsible for the HRA. Adding to these concerns was the Heart Of Greenstead project, for which CBH appeared to be partly, but not completely, responsible. Which Committee or Officers had overall responsibility for delivering this project? When considering CBH in isolation it had done a great job, but the Committee was only considering the managing agent and not the portfolio.

Philip Sullivan, Chief Executive CBH, attended the meeting and responded to the points which had been made. In terms of CBH's accounts, these had been published on Companies House, and linked to in the report which was before the Committee, and questions in relation to the accounts were invited as it was always the aim of CBH to strive for total transparency. The HRA Business Plan had been approved by Cabinet, and had been through a process of scrutiny prior to this. It would be considered again by Cabinet, likely at its meeting scheduled for January 2026. The Chief Executive CBH worked closely with the Council's S151 Officer on the HRA Business Plan, for which they took responsibility. In terms of the Heart of Greenstead project, although it was not appropriate to scrutinise this at the current meeting, which was focussed on the governance of CBH, the Chief Executive CBH assured the Committee that the project would be referred to the appropriate Committee or Cabinet at the appropriate time.

In response to further questioning from the Committee with regard to pension accounts, the Director of Resources CBH confirmed that a surplus was still showing, but this was a lower surplus than the preceding year. In terms of the pension liability, the Chair of Finance and Audit Committee CBH provided an update and explanation of pension fund asset valuing with a pension surplus being held as a nil value asset in the accounts as it was not considered to be an asset of the business.

In terms of benchmarking against other authorities, the Committee sought further information in respect of the actual management costs per dwelling. If capital costs

were ignored, it appeared that direct costs related to the management of the Councils existing portfolio were approximately £10m. If this figure was divided by the number of dwellings, the cost per dwelling was just over £1,600, however, this appeared to only cover employee costs and when all costs were considered, the management cost figure per dwelling appeared to be approximately £3,000. When reporting on benchmarking for national figures, was it possible to provide a narrative on what was reported, and how the figure which had been presented in the report had been arrived at.

The Chief Executive CBH advised the Committee that in terms of cost, the figures which had been provided were high level which would be broken down between management and maintenance costs. The last time that these costs had been reviewed was as part of the HRA Business Plan review, when Savills had reviewed the overall management costs of the City Council (some of which sat within CBH). They had then considered the accounts for all stock owning local authorities and compared these on a like-for-like basis. Benchmarking which took place through organisations such as Housemark would be broken down into further detail.

A Committee member accepted that maintenance costs across different local authorities housing stock would vary, but considered that overall management costs were likely to be more uniform across different authorities. It appeared from the figures presented to the Committee that the management costs were approximately £10m, how was this figure arrived at? The Committee was advised by the Chief Executive CBH that all relevant information had been provided to Savills at the time of their review of the HRA. He was happy to ask that Savills considered this area again when the next update was presented to Cabinet in January 2026.

A member of the Committee had been seeking clarification on the composition of management costs for a number of years, and was unhappy with the way in which Savills had reported on this issue. He considered that the management costs which had been reported were significantly higher than other local authorities, and the HRA was bearing a costs of approximately £2,300 per dwelling when compared to a similar authorities cost of approximately £1,300 per dwelling. There was a need to benchmark accurately, and if it was found that the Council was spending more, the reasons for this should be discovered and addressed. The Chief Executive CBH reiterated that as part of the HRA review, Savills had been asked to examine the audited accounts for every stock owning authority in the country, and had confirmed that the Council's management costs were below the national average. It was not possible for a more comprehensive review to have been carried out.

A Committee member did not believe that questions which he had asked in relation to benchmarking had been satisfactorily answered, and considered that that the Council may be spending approximately £5m per year which it did not have to. It was only necessary to compare the Council's spend to other social housing providers in the East of England, but was it possible to ask Savills to provide assurance that the

Council was scrutinising itself properly. The Chief Executive CBH reminded the Committee that the HRA Business Plan was to be referred to Cabinet in January 2026, and he would ask this issue was revisited as part of this process by benchmarking within the East of England area.

In terms of the assurance which had been provided by internal audit, the Committee considered that this had been in line with previous years, and sought additional information concerning the single urgent item which had been raised. The Director of Resources CBH confirmed that the procurement audit had been given a limited assurance which related to the records of decisions not being completed for smaller quotations. A number of recommendations had been made, and the Committee was assured that CBH's Finance and Audit Committee had scrutinised the audit outcome in some detail and a procurement project including an action plan, led by the Head of Finance CBH, had been instigated.

*RESOLVED* that:

- The Committee had considered and commented on the Governance Assurance Statement of Colchester Borough Homes.
- The Committee accepted the assurance which had been provided by Colchester Borough Homes regarding its governance arrangements throughout 2024/25.

### **523. Amphora Growth & Finance Update 2025/26**

The Committee considered a report which asked that it review the Amphora Growth and Finance Update 2025/26 and make recommendations to Cabinet to approve Amphora's continued financial management and growth plans.

Councillor Martyn Warnes, Chair of the Board of Colchester Commercial (Holdings) Limited (CCHL), which was the holding company for the Amphora group of companies, attended the meeting and addressed the Committee to introduce the report.

Simon Coward, Managing Director Amphora, attended the meeting and advised the Committee that it was Amphora's intention to continue to build capacity, capability and resilience through building operational excellence and identifying and developing areas for growth. Key areas of growth were highlighted to the Committee, including those of Helpline and Amphora Events, which had both performed very strongly in a number of areas during the year.

Turning to Amphora Connect (including Colchester Fibre), the Committee heard that its focus had been to utilise government funding to deliver full fibre broadband for all. There had been three main areas of growth; technology, commercial partnership and smart investment.

A Committee member was pleased to note the successes of Helpline and the Events business, considering that all reports had been positive and that it appeared that the businesses would be well placed to lead in their sectors going into local government reorganisation (LGR). He did, however, have concerns in respect of the fibre business. Although it was possible to obtain grants to support connecting Mersea and Wivenhoe, he considered that there was already plenty of commercial broadband provision on Mersea and wondered why so much effort was being spent replicating what the private sector was already doing when consideration for new broadband may be better placed in more rural areas of the district. Good coverage was already available in Colchester, was there a need for additional spending on infrastructure to take place? Would the better option be to sell the existing fibre network to Amphora's competitors, providing scale economies for everyone's benefit? It seemed as though Amphora consisted of 3 distinct companies with little opportunity to promote operational excellence between their different activities.

The Managing Director Amphora agreed that there were 3 distinct businesses, with the possibility of the addition of a fourth grounds maintenance business subject to the approval of Cabinet. Achieving overall operational efficiency was evidenced by the standardising of operations to achieve targets, and opportunities for cross-selling between the businesses were explored. Amphora Connect had been able to benefit from the installation of low cost fibre installation in the city centre, and was able to deliver fibre broadband to Wivenhoe for no investment through collaboration with Lightspeed. When considering the provision of fibre broadband to rural areas, the Committee heard that Mersea did not have full fibre capability in approximately 4,500 homes, and Openreach did not intend to install this in the near future, providing an opportunity for Amphora Connect to provide fibre broadband via the existing local area network for a small level of investment. In more rural areas, the cost of installing fibre broadband was not outweighed by the likely returns, and was therefore likely to be unviable.

In Response to questioning from the Committee around the extent of the existing fibre network on Mersea Island and other areas, Alistair Wilson, Senior Commercial Manager Amphora, advised that in West Mersea there was a degree of fibre provision, however, this was not widely available. Work to provide fibre broadband to Mersea using an existing local area network was underway, and it was hoped that being first to market in this area with an excellent package would provide a major commercial opportunity similar to that which had been delivered in Wivenhoe.

Noting the vast improvement in the speed and reliability of mobile data networks which were competitive with fibre networks for some uses, the Committee sought to understand from where competition in this area was likely to arise. The Senior Commercial Manager Amphora agreed that the quality of mobile data networks was improving significantly, however, it was important to be able to provide the right connectivity solution for the individual customer. Consumers understood the level of connectivity which they required and although undoubtedly mobile networks would

fulfil some of this need, there was undoubtedly still a market for the greater bandwidth capacity offered by physical fibre broadband.

A Committee member was pleased to note the successful events which had been attributed to the Events Company during the year. What had been the wider economic benefit to the City of the huge number of visitors to the area which these events had brought in? The Senior Commercial Manager Amphora confirmed that an economic impact report had been commissioned to start to quantify the benefits and the wider impacts which the successful events did have. Approximately 53% of tickets which had been sold had been to people from outside the 'CO' postcode area, and although anecdotal evidence from local hotels and bars had been that they were full to capacity, an impact report would provide additional firm data.

#### **524. Work programme**

The Committee considered a report which set out its work programme for the current municipal year.

The Democratic Services Officer asked the Committee to note that at the previous meeting of Full Council, it had been resolved that changes to the Council's governance processes would be made, and that these changes would be reviewed by this Committee before implementation. It was therefore suggested that a suitable report be submitted to the Committee at its next scheduled meeting in November 2025. A Committee member noted the potential for the report to cover wide areas of governance, and consequently suggested that the Monitoring Officer arrange to meet with the Chair of the Committee and its Group Spokespersons during the drafting process of the report.

A Committee member had been promised answers to questions which he had raised in respect of the Council's Houring Revenue Account (HRA). He had written to Savills in respect of this and believed that there was a fundamental error in the HRA, which was a huge issue. The Chair of the Committee would speak with the Council's S151 Officer to ensure that this topic was addressed at a future meeting.

*RESOLVED* that: the contents of the work programme be noted.



## Governance and Audit Committee

Item  
7(i)

16 December 2025

<b>Report of</b>	<b>Head of Governance and Monitoring Officer</b>	<b>Author</b>	<b>Andrew Weavers</b>
<b>Title</b>	<b>Local Government and Social Care Ombudsman – Annual Review Letter 2024-25</b>		
<b>Wards affected</b>	Not applicable		

### 1. Executive Summary

- 1.1 The Local Government and Social Care Ombudsman produces an Annual Review Letter on the number of complaints it has received regarding each local authority. This report provides details of Colchester City Council's Annual Review Letter for 2024-25.

### 2. Recommended Decision

- 2.1 To note the contents of the Local Government and Social Care Ombudsman's Annual Review Letter for 2024-25.

### 3. Reasons for Recommended Decision

- 3.1 To inform the Committee of the contents of the Local Government and Social Care Ombudsman's Annual Review Letter relating to Colchester City Council for 2024-25.

### 3. Alternative Options

- 3.1 No alternative options are presented.

### 4. Supporting Information

- 4.1 The Local Government and Social Care Ombudsman can investigate complaints about most council services, even if the service is outsourced to another organisation to provide. The Ombudsman issues an Annual Review Letter to each local authority. The Annual Review Letter for Colchester for the period ending 31 March 2025 is attached to this report at Appendix 1.
- 4.3 It is worth noting that anyone can choose to make a complaint to the Local Government and Social Care Ombudsman. Accordingly, the number of complaints is not an indicator of performance or level of customer service. In most instances there was no case to answer. The Local Government and Social Care Ombudsman will normally insist that the Council has the opportunity to resolve the complaint locally through its own complaints procedure before commencing its own investigation.
- 4.4 This Committee has an overview of Local Government and Social Care Ombudsman investigations as part of its terms of reference. The contents of the Annual Review were reported to Cabinet at its meeting on 9 July 2025 when it noted the report. Ombudsman cases are reported to Principal Liaison meetings attended by senior staff from Colchester City Council and Colchester Borough Homes and to the Housing Portfolio Holder briefings ahead of publication.

## 5. Key Headlines

5.1 The Local Government and Social Care Ombudsman Annual Review Letter focuses on the outcomes of complaints and what can be learned from them. The statistics are on 3 key areas:

**(i) Complaints upheld** - The Ombudsman upholds complaints when it finds some form of fault in an authority's actions, including where the authority accepted fault before it investigated.

**(ii) Compliance with recommendations** - The Ombudsman recommends ways for authorities to put things right when faults have caused injustice and monitor their compliance with its recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**(iii) Satisfactory remedies provided by the authority** – In these cases, the authority upheld the complaint and the Ombudsman agreed with how the authority offered to put things right. The Ombudsman encourages the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

The Ombudsman compares the three key annual statistics for each authority with similar types of authorities to work out an average level of performance.

	Period ending 31/03/25	Period ending 31/03/24	Period ending 31/03/23	Period ending 31/03/22	Period ending 31/03/21
Complaints Upheld	2	5	2	1	No detailed investigations carried out
Compliance with Ombudsman's recommendations	100%	100%	100%	100%	No recommendations due for compliance
Satisfactory remedies provided by the authority	0	3	0	0	No detailed investigations upheld

5.2 The Ombudsman upheld two complaints. One in relation to housing one in relation to anti-social behaviour. Neither of the upheld complaints had a finding of maladministration and no reports were issued.

5.3 The details of the upheld complaints are mostly published on the Ombudsman's website. The following is a high-level summary.

### [Colchester City Council \(24 007 842\)](#)

The Ombudsman found injustice in the manner in which the Council handled Miss X's homelessness application. Miss X had complained that the Council had delayed in investigating her case and failed to provide temporary accommodation. The Ombudsman found the delays and failings in the way the Council dealt with Miss X's homeless application were fault and that this fault has caused Miss X an injustice.

Following the findings Colchester Borough Homes confirmed to the Ombudsman that they completed a full review of its practice and procedures and have advised all staff to treat all cases individually and not to take any blanket positions on any matter.

In addition, all officers have had a full two days training on Homelessness and PT VII of The Housing Act 1996 and the Homelessness Code of Guidance. The Ombudsman subsequently confirmed that they were content that all required actions had been satisfactorily completed.

The other case (23 011 755) has not been published on the Ombudsman’s website

The Ombudsman found fault in the manner in which the Council dealt with Mrs’s complaint of anti-social behaviour. Mrs X had complained that the Council failed to follow the correct procedure for an anti-social behaviour case review. She also said the Council did not follow the correct complaints procedure and failed to take account of her disability. The Ombudsman did not find the Council at fault for failing to consider Mrs X’s disability. The Ombudsman also did not find fault over the way the Council considered the anti-social behaviour case review or Mrs X’s complaint. However, it was at fault for delays. This caused Mrs X distress which the Council agreed to and has apologised for. There were no other required actions to be undertaken.

5.4 Whilst there was no finding of maladministration in either case, services have reviewed their processes in the light of the complaints and made the necessary service improvements as highlighted in the Annual Review letter.

5.5 The following table provides a comparison of complaints and enquires received. (NB. categories are those used by the Ombudsman)

Year	Benefits and Tax	Corporate and other services	Environmental Services & Public Protection & Regulation	Highways and Transport	Housing	Planning and Development	Other	Total
2024/25	3	3	3	1	11	6	1	28
2023/24	3	1	4	1	6	7	0	22
2022/23	2	0	0	0	4	4	0	10
2021/22	2	1	4	1	7	4	2	21
2020/21	2	1	4	4	1	3	0	15

5.6 The following table provides a comparison of enquires and decisions made by outcome.

Year	<b>Not for us</b>			<b>Assessed and closed</b>	Detailed Investigations			Total
	<i>Incomplete / Invalid</i>	<i>Advice Given</i>	<i>Referred back for Local Resolution</i>	<i>Closed after Initial Enquiries</i>	Not Upheld	Upheld	Uphold Rate	
2024/25		11		14	1	2	67%	28
2023/24	0	0	7	9	2	5	71%	23
2022/23	0	0	6	2	0	2	100%	10
2021/22	1	3	5	10	2	1	33%	22
2020/21	1	0	5	7	0	0	N/A	13

NB. Headings in bold are new category descriptions. Previous ones are included in italics for comparison purposes.

- 5.7 The following table shows Colchester’s performance compared with other Borough, City and District Councils in Essex.

Name	Complaints Upheld % (numbers)	Compliance with recommendations	Satisfactory remedies provided by Council (numbers)
Basildon	64% (7)	100%	0% (7)
Braintree	None	None	None
Brentwood	100% (3)	100%	33% (1)
Castle Point	None	None	None
Chelmsford	50% (2)	100%	0% (2)
Colchester	67% (2)	100%	0% (2)
Epping Forest	80% (4)	100%	25% (1)
Harlow	50% (1)	None	0% (1)
Maldon	None	None	None
Rochford	100% (1)	None	0% (1)
Tendring	67% (2)	100%	0% (2)
Uttlesford	75% (3)	100%	33% (1)

## 6. Strategic Plan References

- 6.1 The lessons learnt from complaints to the Local Government and Social Care Ombudsman link in with our Strategic Plan aims to be efficient accessible, customer focused and always looking to improve. Having an effective complaints process helps us to achieve the Strategic Plan’s themes of a Wellbeing, making Colchester an even better place to live and supporting those who need help most.

## 7. Publicity Considerations

- 7.1 Details of the Annual Review Letter are published on the Local Government and Social Care Ombudsman’s website and will also be published on the Council’s website.

## 8. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety, Risk Management and Environmental and Sustainability and Devolution and Local Government Reorganisation Implications

- 8.1 No direct implications.

Appendix 1 – Annual Review Letter 2024-25

21 May 2025

*By email*

Ms Donnelly  
Chief Executive  
Colchester City Council

Dear Ms Donnelly

### **Annual Review letter 2024-25**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2025. The information offers valuable insight about your organisation's approach to complaints, and I know you will consider it as part of your corporate governance processes. We have listened to your feedback, and I am pleased to be able to share your annual statistics earlier in the year to better fit with local reporting cycles. I hope this proves helpful to you.

[Your annual statistics are available here.](#)

In addition, you can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

In a change to our approach, we will write to organisations in July where there is exceptional practice or where we have concerns about an organisation's complaint handling. Not all organisations will get a letter. If you do receive a letter it will be sent in advance of its publication on our website on 16 July 2025, alongside our annual Review of Local Government Complaints.

### **Supporting complaint and service improvement**

In February we published [good practice guides](#) to support councils to adopt our [Complaint Handling Code](#). The guides were developed in consultation with councils that have been piloting the Code and are based on the real-life, front-line experience of people handling complaints day-to-day, including their experience of reporting to senior leaders and elected members. The guides were issued alongside free [training resources](#) organisations can use to make sure front-line staff understand what to do when someone raises a complaint. We will be applying the Code in our casework from April 2026 and we know a large number of councils have already adopted it into their local policies with positive results.

This year we relaunched our popular [complaint handling training](#) programme. The training is now more interactive than ever, providing delegates with an opportunity to consider a complaint from receipt to resolution. Early feedback has been extremely positive with delegates reporting an increase in confidence in handling complaints after completing the training. To find out more contact [training@lgo.org.uk](mailto:training@lgo.org.uk).

Yours sincerely,



Amerdeep Somal  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England



16 December 2025

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

## 1. Executive Summary

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

## 2. Recommended Decisions

2.1 To review the following revised policies:

- Anti-Fraud and Corruption Policy
- Whistleblowing Policy
- Anti-Money Laundering Policy
- Covert Surveillance Policy
- Acceptable Use Policy (including password policy) Digital / ICT
- Income and Debt Policy

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

## 3. Background

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

3.4 At its meeting on 26 February 2025 Full Council adopted a Statement of Intent in relation to both Ethical and Corporate Governance which gave a high organisational commitment

to zero tolerance of fraud, corruption and bribery. An updated Statement of Intent is attached at Appendix 1.

#### 4. Review of Ethical Governance Policies

- 4.1 The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Covert Surveillance, Information Security, Data Protection, Acceptable Use, Data Retention, Processing of Special Category & Criminal Convictions Personal Data, ICT Password and Income and Debt policies were last reviewed by this Committee at its meeting on 13 December 2023. The Ethical Governance policies were subsequently adopted as part of the Council’s Policy Framework by Full Council at its meeting on 21 February 2024.
- 4.2 The following policies will be revised in February / March 2026 as part of the Data Protection Audit remediation and Delivery Plan.
- Information Security Policy
  - Data Protection Policy
  - Retention Policy
  - Processing of Special Category & Criminal Convictions Personal Data Policy
- 4.3 The following table indicates the number of times a policy was invoked in the past year and where appropriate whether it was effective.

<b>Policy</b>	<b>No. of times invoked during 2021/22</b>	<b>No. of times invoked during 2022/23</b>	<b>No. of times invoked during 2023/24</b>	<b>No. of times invoked during 2024/25</b>	<b>Whether procedures effective</b>
Anti-Fraud and Corruption	None	None	None	None	N/A
Whistleblowing	None	2	2	1	Yes
Anti-Money Laundering	None	None	None	None	N/A
Covert Surveillance	None	None	None	None	N/A

- 4.4 The Anti-Fraud and Corruption, Anti-Money Laundering and Covert Surveillance policies have all been reviewed to ensure that they remain fit for purpose and no changes are proposed to these policies which are appended to this report. The Whistleblowing report has been updated to make reference to the Council’s Grievance Procedure and its Anti-Harassment, Bullying and Victimisation Policy and employment legislation in line with good practice. This updated version has also been agreed with Unison.
- 4.5 The Monitoring Officer writes an annually to both Members and Officers reminding them of their obligations regarding the Anti-Fraud and Corruption and Whistleblowing policies.
- 4.6 The Council’s Head of Digital has reviewed the Acceptable Use and Password policy to ensure that they remain fit for purpose. The Head of Digital has identified that the current Acceptable Use and Password policies require urgent revision and implementation to protect the Council from increased Cyber Security risks and the National Security Threat level which is currently “Substantial – an attack is likely”.
- 4.7 Colchester City Council does not currently hold a Public Sector Network (PSN) Certificate of compliance, which is a requirement of the Cabinet Office. An independent health check by a National Cyber Security Centre approved company, (a prerequisite for a compliance certificate) was conducted in August 2025 which identified several high-risk vulnerabilities.
- 4.8 The Councils internal auditors conducted three audits, namely; Data Protection, Network Resilience (Cyber) and Mobile Device Management (MDM) in September 2025 and

concluded their recommendations in November 2025. All three audits returned Limited Assurance.

- 4.9 The independent health check and the three audits all have comprehensive remediation and delivery plans associated with them. Progress on these is reported via the Cyber, Security and Information Governance Board (CSIG), who will report to this committee.
- 4.10 The three audits each made priority one findings in relation to the significant risk associated to the practice of Members ability to download data to personal devices. This functionality was removed on 12<sup>th</sup> September 2025 and was temporarily reinstated on the 22 September 2025 to allow Members to adjust to using a corporate device.
- 4.11 Mandatory Cyber training was referenced in the audits and was accordingly introduced in November 2025. The training has a 100% compliance requirement for staff across Colchester City Council which has been achieved. Failure to have complied would have resulted in withdrawal of access to systems. Members as at the date of this report currently stand at 52% completion. All Members are urged to complete the training without further delay.
- 4.12 The Public Sector Networks IT health check combined with three audits findings are the principal drivers for the changes to the Acceptable Use Policy.
- 4.13 The Head of Operational Finance has reviewed the Income and Debt Policy and confirms that no changes are proposed to processes, which are still relevant and meet legislative requirements, whilst supporting strong collection rates. There is a proposed change to the fees for liability order and summons, as well as proposed changes to write off limits.
- 4.14 Court fees include costs for the issuing of a summons and obtaining a liability order for debt recovery. The fees are based on cost recovery and have not been increased for a number of years. Due to increase in costs of processing, it is proposed that the total fee for summons and liability order is £98.
- 4.15 The Council will endeavour to recover all debts owed, as set out within this policy. However, on occasions debts become uneconomical to pursue, or there is no realistic chance of recovery, for example in cases of liquidation. The current write off limits create an administrative burden to the Council and the proposed increases in authorisation limits will help to create a more efficient process, whilst not affecting efforts to recover debt.
- 4.16 The Council continues to achieve high collection rates for Council Tax and Business Rates. The teams are working to support customers through the cost-of-living crisis and are adapting processes where necessary to do this.
- 4.17 The Council will continue to improve processes, making payment options simple for residents and businesses and encouraging customers to contact as soon as possible if they are suffering financial difficulties.

## **5. Strategic Plan References**

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

## **6. Publicity Considerations**

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

- 6.2 Financial Regulations form part of the Council's Constitution published on the Council's website
- 7. **Financial, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety, Risk Management and Environmental and Sustainability and Devolution and Local Government Reorganisation Implications**
- 7.1 None.

## Ethical Governance Statement 2025/26

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

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

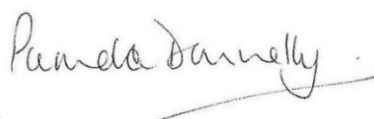
The Council expects the highest standards of conduct and integrity from all that have dealings with it including staff, elected members, suppliers, partners, volunteers and the public. Therefore, policies have been put in place to outline the standards required and procedures have been introduced to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

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

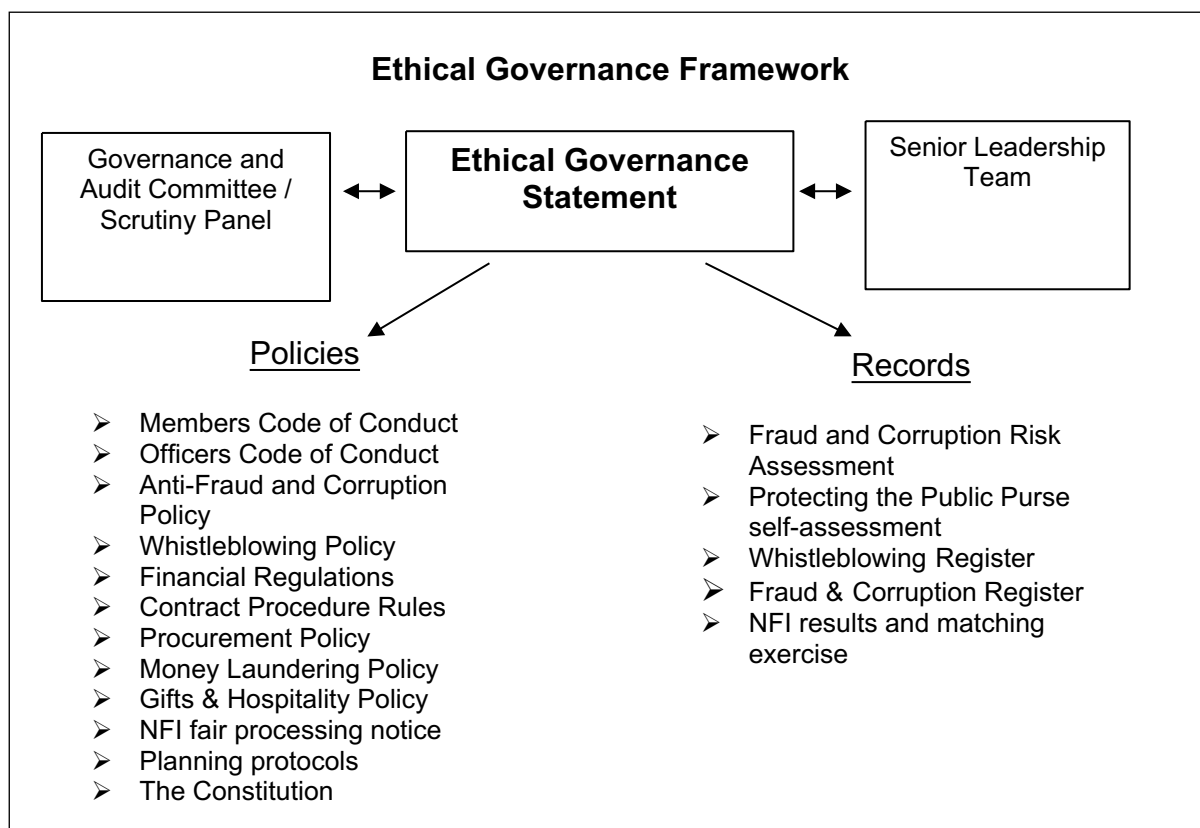
We will take all reasonable steps to ensure that concerns are investigated, and appropriate action taken where necessary. There will be no distinction made in investigation between cases that generate financial benefits and those that do not.



David King  
Leader of the Council



Pamela Donnelly  
Chief Executive







Colchester  
City Council

# Anti-Fraud and Corruption Policy

## 2025/26

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

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

December 2025

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# ANTI-FRAUD AND CORRUPTION POLICY

## 1.0 INTRODUCTION

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

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

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

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

## 2.0 OVERVIEW

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

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

Fraud and corruption are defined as:

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

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

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

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

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

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

### 3.0 CULTURE

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

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

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

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

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

When fraud or corruption has occurred due to a breakdown in the Council’s systems or procedures, Directors and Heads of Service will ensure that appropriate

improvements in systems of control are implemented in order to prevent a re-occurrence.

## **4.0 RESPONSIBILITIES AND PREVENTION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- enter at all reasonable times any Council premises or land
- have access to all records, documentation and correspondence relating to any financial and other transactions as considered necessary
- have access to records belonging to third parties such as contractors when required

- require and receive such explanations as are regarded necessary concerning any matter under examination
- require any employee of the Council to account for cash, stores or any other Council property under their control or possession

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

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

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

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

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

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

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

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

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

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

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

## 4.12 Official Guidance

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

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

## 5.0 DETECTION AND INVESTIGATION

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

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

Detailed guidance on the investigation process is available separately.

### 5.1 Disciplinary Action

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

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

### 5.2 Prosecution

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

### **5.3 Publicity**

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

## **6.0 AWARENESS AND MONITORING**

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

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

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





# Whistleblowing Policy

## 2025/26

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

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## WHISTLEBLOWING POLICY

### 1.0 Introduction

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

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

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

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

These procedures are in addition to the Council's complaints procedures, Anti-Harassment, Bullying and Victimisation Policy and other statutory reporting procedures. Officers are responsible for making customers aware of the existence of these procedures.

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

### 2.0 Aims and Scope of the Whistleblowing Policy

This policy aims to:

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

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

There are existing procedures in place to enable you to lodge a grievance relating to your own employment including the Grievance procedure and the procedure set out in the Anti-Harassment, Bullying and Victimisation policy. This Whistleblowing Policy and Procedure is intended to cover major concerns that may fall outside the scope of other procedures. These include:

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

This concern may be about something that:

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

### **3.0 Safeguards**

#### **3.1 Bullying, Harassment or Victimisation**

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

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

The Council has a zero-tolerance approach to bullying, harassment or victimisation of any person and of any person who raises a concern. The Council's disciplinary procedures will be used against any employee who is found to be bullying, harassing or victimising the person raising the concern and such behaviour by a councillor will be reported under the Members' Code of Conduct.

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

### **3.2 Confidentiality**

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

### **3.3 Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible but the organisation recognises that whistleblowers may wish to raise concerns anonymously. Whilst every effort will be made to investigate anonymous allegations, it is important to note that the ability to do so may be limited by the information provided. In cases where insufficient detail is available, the Council may be unable to reach a definitive conclusion or take further action. Nonetheless, all anonymous reports will be treated seriously and assessed to the fullest extent possible under the circumstances.

### **3.4 Untrue Allegations**

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

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

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

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

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

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

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

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

Chief Executive, Pamela Donnelly ☎ 282211  
Monitoring Officer, Andrew Weavers ☎ 282213  
Section 151 Officer, Anna D'Alessandro ☎  
Deputy Monitoring Officer, Hayley McGrath ☎ 508902  
Deputy Monitoring Officer, Julian Wilkins ☎ 282257.

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

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

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

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

## 5.0 How the Council will respond

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

Where appropriate, the matters raised may be:

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

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

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

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

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

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

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

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

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

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

## **6.0 The Responsible Officer**

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

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

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

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

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

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

## **8.0 Questions regarding this policy**

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

## **9.0 Review**

This policy will be reviewed annually.



Colchester  
City Council

# Anti-Money Laundering Policy

## 2025/26

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

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

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## ANTI-MONEY LAUNDERING POLICY

### 1. Introduction

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

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

### 2. Scope of the Policy

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

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

### 3. Definition of Money Laundering

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

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

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

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

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

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

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

The main requirements of the legislation are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- any identification evidence held.

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

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

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

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

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

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

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

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

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

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

## **9. Training**

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

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

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

## **10. Conclusion**

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

## **11. Review**

This policy will be reviewed annually.

CONFIDENTIAL

Appendix 1

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

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

**DETAILS OF SUSPECTED OFFENCE:**

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

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

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

---

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

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

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

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

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

**If yes, please specify below:**

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

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

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

Yes

No

*[Please tick relevant box]*

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

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

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

**Signed:** .....

**Dated:** .....





# Code of Practice on Covert Surveillance 2025/26

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

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# CODE OF PRACTICE ON COVERT SURVEILLANCE

## 1.0 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 2.1 Directed surveillance

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

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

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

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

### 2.2 General observations

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

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

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

### 2.3 Intrusive surveillance

"Intrusive Surveillance" is surveillance that is:

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

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

### 2.4 Covert Human Intelligence Sources

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

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

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

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

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

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

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

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

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

### 3.0 Areas of operation

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

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

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

### 4.0 AUTHORISATION AND AUTHORISING OFFICERS

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

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

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

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

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

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

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

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

## 5.0 CRIME THRESHOLD

The Code of Practice states that the Council:

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

## 6.0 GROUNDS FOR GRANTING AN AUTHORISATION

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

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

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

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

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

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

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

## 7.0 PROCEDURE FOR AUTHORISATIONS, CANCELLATIONS AND RENEWALS

### 7.1 Authorisations

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

Authorisations must be in writing on the form attached.

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

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

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

## 7.2 Magistrates' Approval

Once an authorisation form has been completed Legal Services will:

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

The Justice of the Peace may decide to either:

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

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

## 7.3 Review

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

## 7.4 Renewals

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

## 7.5 Cancellations

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

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

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

## 7.6 Audit

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

## 8.0 MISCELLANEOUS POINTS

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

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

### 8.2 CCTV

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

## 9.0 SOCIAL MEDIA

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

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

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

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

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

## **10.0 TRAINING**

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

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

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

## **11.0 GENERAL BEST PRACTICES**

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

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

## **12.0 SENIOR RESPONSIBLE OFFICER**

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

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

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

## 13.0 COMMUNICATIONS DATA

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

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

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

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

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

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

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

## 14.0 COMPLAINTS

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

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

## 15.0 QUERIES ABOUT THIS CODE OF PRACTICE

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

## 16.0 REVIEW

This Code of Practice will be reviewed annually.





Colchester  
City Council

# Use of Social media in Investigations Policy and Procedure

2025/26

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

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

December 2025

# USE OF SOCIAL MEDIA IN INVESTIGATIONS

## POLICY AND PROCEDURES

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## **1.0 INTRODUCTION & BACKGROUND**

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

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

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

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

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

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

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

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

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

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

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

#### **4.0 PRIVACY SETTINGS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **7.0 CAPTURING EVIDENCE**

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

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

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

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

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

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

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

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

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

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

## **10.0 REVIEW**

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





Colchester  
City Council

# **Digital Systems Acceptable Use and Password Policy December 2025**

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

# Acceptable Use Policy

## APPLICATION OF POLICY

All users of corporate digital devices and systems including but not limited to laptops, tablets and mobile smart phones and / or those that have access to a corporate Microsoft 365 email account / address provided by Colchester City Council (CCC), Colchester Borough Homes, Colchester Commercial Holdings Ltd. All employees, elected members, contractors, volunteers, vendors, apprentices, student/work experience placements and other partner agencies must be aware of these policy statements and are bound by the responsibilities it places upon them.

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

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

## ACCESS TO DIGITAL SYSTEMS

- You must not leave user accounts logged in at an unattended and unlocked device.
- You must not attempt to access data or systems that you are not authorised to use or access.
- You must not download, install, access, or modify applications, systems or data without authorisation.
- You must maintain the security of information as defined in the Data Protection Policies.
- You must not access other people's devices or use their Microsoft 365 or application login credentials.
- You must not forward CCC emails to your own personal or work email accounts.
- You must not use any tool or rule to auto forward any email sent to your CCC account, unless part of a specific pre-defined business process, which has been pre-approved by Digital.
- If you receive or view email or other content not intended for you, you have a legal obligation to take reasonable steps to protect confidentiality contained therein.
- You must take care when replying or forwarding emails to ensure that only authorised individuals are included and any email history in the chain or attachments are suitable to share with that individual(s).
- Corporate email accounts must not be used for personal correspondence or non-Council business. All email use should be for Council-related activities, in line with the Council's Acceptable Use Policy.

- The Corporate email platform (Microsoft 365 mailboxes both individual and shared mailboxes) should not be used as file systems, important content or correspondence should be saved into SharePoint or an alternate document management system.

## PASSWORDS

- You must not share or allow anyone else to use your user username and password for any Digital system.
- Password complexity requirements may change due to external risk and threat; you will change your password when requested.
- You will not write down or store your CCC Password on paper, or in any electronic device.
- You must ensure that each of your accounts uses a unique password.
- You must not disclose your password to anyone or ask anyone else for their password. If you suspect your password has become known to anyone else, change it immediately and report it to the Digital Team.
- You must not use someone else's username and password to access any IT systems.
- Passwords must meet the requirements of the Council's Password Policy, note, this is subject to change in response to National Security Risk Elevations
- All CCC devices must be password protected (or alternately protected by other appropriate Digital Team approved means such as Fingerprint and PIN).

## BEHAVIOUR AND USE

- You must lock your device by using windows key and character 'L' whenever you leave your device unattended, regardless of your location
- You must not participate in unlawful, libellous, immoral, or offensive activities, including accessing, downloading, storing, creating, copying or disseminating offensive material. This includes the use of social media and is not limited to, material of a pornographic, sexual, violent, criminal, racist, sexist, or otherwise discriminatory nature. Further, you must not use the systems to perpetrate any form of fraud or piracy.
- You must not publish a website, or any content on a website, that could bring the Council into disrepute. This includes publishing defamatory or knowingly false material about the organisation, colleagues, or customers in any online publishing format.
- Colchester City Council facilities and identity must not be used for commercial purposes outside the authority or remit of the Council, or for personal financial gain.
- You must not use the internet or email to make personal gains or conduct a personal business.
- You must not use the internet or email to gamble.
- You must not bring the Council into disrepute through use of online 'social networking' activities.
- You must report faults with Digital systems or equipment to the Digital team and co-operate with fault diagnosis and resolution.

- If you use CCC technology or CCC internet provision for personal use, the Council takes no responsibility for the security of your personal information. It is recommended you do not carry out personal financial transactions.
- When working remotely, ensure Council devices are kept secure and not left unattended or visible in public places or vehicles.
- Access to Council systems from outside the UK requires prior approval from the Data Protection Officer and must be via a Council-approved device.

## DEVICES

- You must not connect any non-authorized device to your CCC device, the corporate network, or corporate digital systems. This includes but is not limited to external hard drives, thumb drives, flash drives.
- The use of USB controlled peripherals such as screens, keyboards, mice, cameras and headphone / headsets are permitted.
- The use of a VPN (Virtual Private Network) is not permitted unless via prior agreement of the councils DPO and Head of Digital in exceptional circumstances. Use of a VPN without authorisation will result in the access being blocked.
- If you have a business case to support the need to print at home from a corporate device, this will need to be approved by the Councils Data Protection Officer and Head of Digital.
- Authorized devices are only those issued, managed and approved by Digital.
- You must not store any Council data on any non-authorized equipment.
- In order to comply with Data Protection legislation, all Council communications must only be made using Council approved applications and devices.

## BRING YOUR OWN DEVICE (BYOD)

- Access to Council Systems via a personal device is limited to Microsoft 365 applications only (Outlook, Teams, Excel, Word, Excel, OneDrive, SharePoint and Microsoft Teams) and functionality is restricted.
- Access to your Corporate Microsoft 365 account and any third-party systems must be secured via Multifactor Authentication.
- Access to the Microsoft 365 applications is only permitted through the web versions. You can use the web versions to create, send and reply to Outlook emails and participate in Teams chats, meetings and calls.
- Printing any data from a personal device is prohibited this includes taking screenshots.
- Downloading of any Corporate data to any non-corporate device is prohibited, this includes copying and pasting from and to your personal device to corporate systems, this includes taking screenshots.
- Access to core line of business applications linked to your Microsoft login, should not be performed from personal devices. The downloading of documents or data from those systems to personal devices is prohibited, the only exception being the MySelf – iTrent HR platform.
- You are permitted to create, edit and save existing documents to OneDrive, SharePoint and Microsoft Teams.
- Personal devices should only be connected to the GUEST Wi-Fi and not those designated for Staff only use.

## STORAGE

- You must not give or transfer data or software to any person or organisation, without a data sharing agreement and a completed Data Protection Impact Assessment (DPIA) approved by the Data Protection Officer.
- Documents must not be stored locally (for example, on C:\ drive) on a desktop computer, laptop or mobile phone, as information may be irretrievable if the device fails or is stolen.
- The use of mobile devices such as memory sticks, CDs, DVDs, and removable hard drives is prohibited.
- The use of USB drives is prohibited for the storage of any corporate data. If there is a legitimate business need, a corporate encrypted USB device will be provided. Subject to approval by the DPO, Head of Digital and the SIRO.

## SECURITY AND LICENSING

- You must not attempt to disable or bypass anti-virus, malware, or other information security controls, and you should take care not to introduce viruses or malware.
- If you discover a virus or malware, you must notify Digital Team immediately and disconnect the device from any network.
- You must not expose the Council to risk by clicking on links or opening suspicious attachments to phishing or scam emails.
- You must not use the email systems in a way that could affect its reliability or effectiveness, for example, distributing chain letters or spam.
- You must only use software that is appropriately licensed to the Council and materials which are not copyrighted, or for which you have been granted use. The downloading and use of any non-approved software or application is not permitted
- You will need to undertake and pass mandated cyber security training before accessing Council Systems and Devices. This training is repeated and updated annually.
- New Starters (employees, and contractors) will need to undertake and pass mandated Cyber Security training before being provided access to Council Systems, this includes newly Elected Members.

## WORKING REMOTELY

- Working away from the office must be in accordance with Colchester City Council's remote working policy.
- Equipment and media taken off-site must not be left unattended in public places and not left in clear view in a vehicle.
- Corporate devices must not be left in a vehicle overnight or for any prolonged period
- Laptops must be carried as hand luggage when travelling.
- Information and equipment must be protected against loss or compromise when working remotely.

## WORKING ABROAD

- Access to Colchester Systems including Microsoft 365 accounts is blocked by default from non-UK locations.
- Working outside of the UK, first requires line manager, HR and Digital approval, Tickets must be logged in advance of travel with ICT.
- Members must log a ticket in advance but do not require HR or line manger approval and self-certify in this respect
- Working outside of the UK, approval is only granted to travel locations which are deemed as safe and compliant by both the DPO and ICT (based on ICO and NCSC guidance), the list of countries is annually reviewed and subject to change without notice based on geopolitical events and cyber risk.
- Only Corporate approved devices will be permitted when outside of the UK.
- Staff who use corporate accounts on BYOD devices should ensure that their corporate Microsoft 365 accounts are signed out of or deleted before travel to prevent unnecessary false alerts being raised.

## USE OF SHAREPOINT / MICROSOFT TEAMS / MICROSOFT TEAMS

- You must not purposely engage in activity that may deprive an authorised user access to a SharePoint / Microsoft Teams resource.
- Use of SharePoint / Teams - Activity on SharePoint / Microsoft Teams may be monitored and audited to ensure compliance with Council policies.
- You must not circumvent SharePoint / Microsoft Teams security measures.
- All staff must maintain the supported infrastructure setup by filing documents via Adding Properties or via the Details menu and not creating folders within folders.
- Site owners are responsible for managing the use of SharePoint / Microsoft Teams in their area and are accountable for their actions.
- Site owners are responsible for the custody or operation of their SharePoint / Microsoft Teams sites and are responsible for proper authorisation of user access.
- Confidential or potentially sensitive data stored SharePoint / Microsoft Teams must be kept confidential and secure by the user.
- You must ensure that permissions to document libraries are appropriately set and maintained to ensure the security of information.
- Site owners should review the permissions set on their sites at least annually.
- You must ensure that private or personal documents are secured to ensure the security of information.
- Data can be shared with external people/organisations using the 'External sharing' SharePoint / Microsoft Teams site where there is a justified business need. All documents shared must be removed once the need to share has expired. Any special category data shared in this way must be done with the appropriate set up of SharePoint / Microsoft Teams permissions to ensure the security of that data.

## USE OF ONEDRIVE

- OneDrive must not be used as a replacement for corporate shared document repository, SharePoint / Microsoft Teams.

- OneDrive documents must not be kept for longer than necessary.
- If you share a OneDrive document with another user, it's your responsibility to ensure that this is done securely and appropriately and ideally only for a limited duration to permit its use.
- The sharing of documents externally should not be performed using open "Anyone" links and access must only be provided to listed trusted recipients.

## USE OF MICROSOFT TEAMS

- Personal data should not be shared via teams messaging.
- Any data in Microsoft teams, sites, chats or meeting chat threads are subject to a Freedom of Information Request, Environmental Information Request and Subject Access Request.
- All users should ensure that permissions for documents are set appropriately.
- All users should ensure that retention periods for documents are set appropriately and in accordance with the retention policy and retention schedule.
- All users should ensure that only permitted participants are added to Teams channels, chats, meeting chats and meetings.
- Care should be taken when screen sharing and/or recording a meeting to make sure that personal data is not disclosed inappropriately. Permission should be sought from all attendees before recording starts.
- Ensure that when making video calls the environment you are calling from and any backgrounds you are using are appropriate for business use.
- The addition of external identities to Corporate Teams sites should only be performed after ICT approval.
- Only Corporate approved AI tools (i.e. Copilot) should be used and admitted into Corporate Teams meetings.
- Corporate Teams meetings should only be attended using Corporate Microsoft 365 identities and not personal ones, this also applies to Members.
- When attending third party created Teams Meetings caution should be taken when discussing personal, private or confidential council matters, which could be recorded and stored in a third-party Microsoft tenant, AI tooling can be used by the third-party and has become common practice.

## MOBILE / SMART PHONES AND TABLETS

- Requests for a mobile phone will be subject to a valid business case being made and management authorisation.
- In order to prevent unauthorised access, devices must be password protected using the features of the device and a strong password is required to access the network (please refer to the Password Policy).
- The primary reason for being given a work mobile phone is for business purposes. Using the phone for personal calls and text messaging is prohibited unless in exceptional circumstances.
- Any data contained on a work mobile may be subject to a Freedom of Information Request, Environmental Information Request and Subject Access Request.

- Employees are expected to use the internet responsibly and productively. Excessive personal internet browsing, including social media use, is not permitted.
- Corporate Mobile phones should be connected to secure wi-fi networks where available to prevent excessive use of data.
- Use of the mobile phone to create a hotspot to work from should be used in exceptional circumstances only. Mobile data usage will be monitored, and consistent excessive use may lead to suspension of service.
- Calls to premium rate numbers are not permitted.
- Calls to overseas numbers need to be made via Microsoft Teams. This functionality can be activated for both laptop and corporate smart phones upon request but will need to be supported by an approved business case by a member of Senior Leadership Team and the Data Protection Officer.
- You must not use Colchester City Council mobile devices for conducting private business.
- Personal accounts and personal social media accounts should not be added to a Corporate mobile phone.
- Mobile devices may not be used at any time to store or transmit illicit materials or harass others.
- When driving, staff are expected to comply with the Council's Vehicle User Handbook and the Regulation 110 of the Road Vehicles (Construction and Use) as amended March 2022, which prohibit the use of handheld mobile devices at all times when driving.
- If your device use is deemed unacceptable, we may cancel your plan and ask for the return of the device.
- If you lose your device or it is stolen this must be reported to the Digital team Helpdesk immediately, you must also report and log this incident on the Data Protection Breach reporting system.

## WHEN AN EMPLOYEE OR ELECTED MEMBER LEAVES

- It is the responsibility of the line manager / Democratic Services / alongside the and the Head of Service / Monitoring Officer to ensure the line manager to ensure the Digital Team are notified of any leavers or changes to staff roles (permanent, temporary or casuals) so that access can be terminated or amended as appropriate.

All Digital equipment, devices and data, remains the property of Colchester City Council and will be surrendered upon request or in accordance with our leavers process.

## PASSWORD COMPLEXITY REQUIREMENTS

Passwords must meet complexity requirements settings. This setting determines whether passwords must meet a series of guidelines which are considered important for a strong password. Complexity requirements are enforced when passwords are changed or created.

Enabling this policy setting requires passwords to meet the following requirements:

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

Current guidance for the National Cyber Security Centre (NCSC) is to use three random words to create a strong memorable password. Numbers and symbols should still be used if

needed, for example Red-House-Monkeys-27. Be creative and use words memorable to you, so that people cannot guess your password. Your social media accounts can give away vital clues about yourself so don't use words such as your child's name or favourite sports team which are easy for people to guess. If you need help in generating a password, go to <https://correcthorsebatterystaple.net/>. It is recommended to use a minimum of 3 words and a minimum of 15 characters. If in doubt, reach out to the Digital Service Desk for guidance

Never use the following personal details for your password:

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

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

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

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

## PASSWORD SYSTEM SETTINGS

The following system settings relate to passwords:

- The users' previous 12 passwords are remembered
- Minimum password length is 8 characters (although we encourage a minimum of 15 characters, as above)
- Password must meet complexity requirements is set to Enabled

In the event of increased risk level as defined by GCHQ, NCSC and or Cabinet Office, tactical changes in line with recommendations from National Security Services may be implemented in real time.

## MONITORING

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

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

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

Compliance with this policy is monitored and all breaches of this policy will be investigated.

Where investigations reveal misconduct, disciplinary action may follow in line with the Council's disciplinary procedures.

Access to Council systems and devices may be suspended. Digital reserve the right to withdraw a users' access to any computer systems and communication services, including internet services without notice to protect the organisation as a result of identified Security and Data Protection Risks relating to use / breach of the acceptable use policy.

The Council will take appropriate measures to remedy any breach of the policy and its associated procedures and guidelines through the relevant frameworks in place. In the case of an employee, then the matter may be dealt with under the Councils disciplinary process. In relation to a Councillor in accordance with the Councillor Code of Conduct Arrangements.

### POLICY REVIEW

In the event of increased risk level as defined by GCHQ, NCSC and or Cabinet Office, tactical changes in line with recommendations from National Security Services may be implemented in real time. This policy will be reviewed and updated as a result.

In any event the policy will be reviewed on an annual basis and updated as necessary at these reviews

### VERSION CONTROL

Purpose:	To ensure safe and appropriate use of Council Digital Systems and Equipment.
Status:	Final
Final date:	16 <sup>th</sup> December 2025
To be reviewed:	November 2026





Colchester  
City Council

# Income and Debt Policy

December 2025

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

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## 1. Introduction

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

## 2 Policy Aims

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

## 3. Billing and Invoicing Arrangements

- 3.1 There is a legal duty placed on the Council to bill for Council Tax and Non-Domestic Rates (Business Rates) in accordance with legislation. The processes are automated and managed by the Technical, Control and the Income Teams.

3.2 Sundry (Commercial) debts are more varied and can be dealt with by the Income Team in liaison with the individual services. This includes Commercial Rent Recovery (CRAR) which is dealt with by the Income Team in liaison with the Asset Planning Team.

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

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

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

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

#### 4. Methods of payment

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

4.2.1 The Council’s preferred methods of payments are:

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

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

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

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

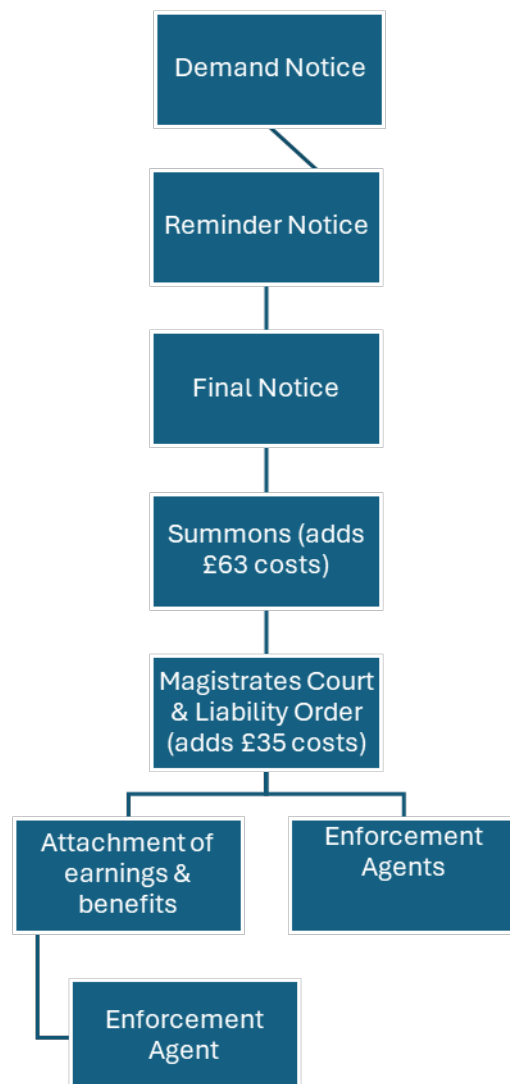
- Proactive customer contact by phone and letter
- Bulk text messages and emails
- Direct Debit promotional campaigns

## 5. Recovery of unpaid debts

5.1 For a variety of reasons, revenue due to the Council will not be paid as requested. The Corporate Debt Team and individual services must undertake recovery action as soon as possible to maximise the probability of debt recovery.

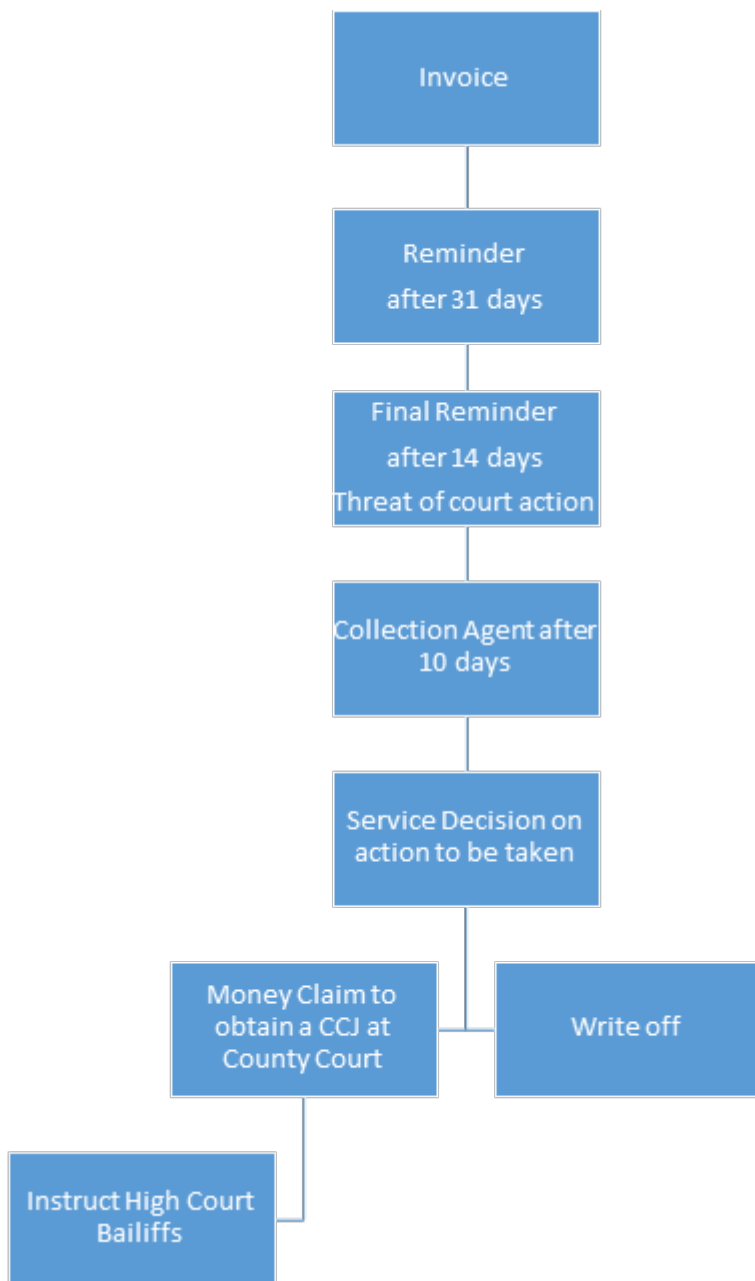
5.2 Reminders will use nudge and persuasive techniques that are most likely to attract prompt payment.

## 6. Council Tax and Business Rates Process



## 7. Sundry Debt Processes

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



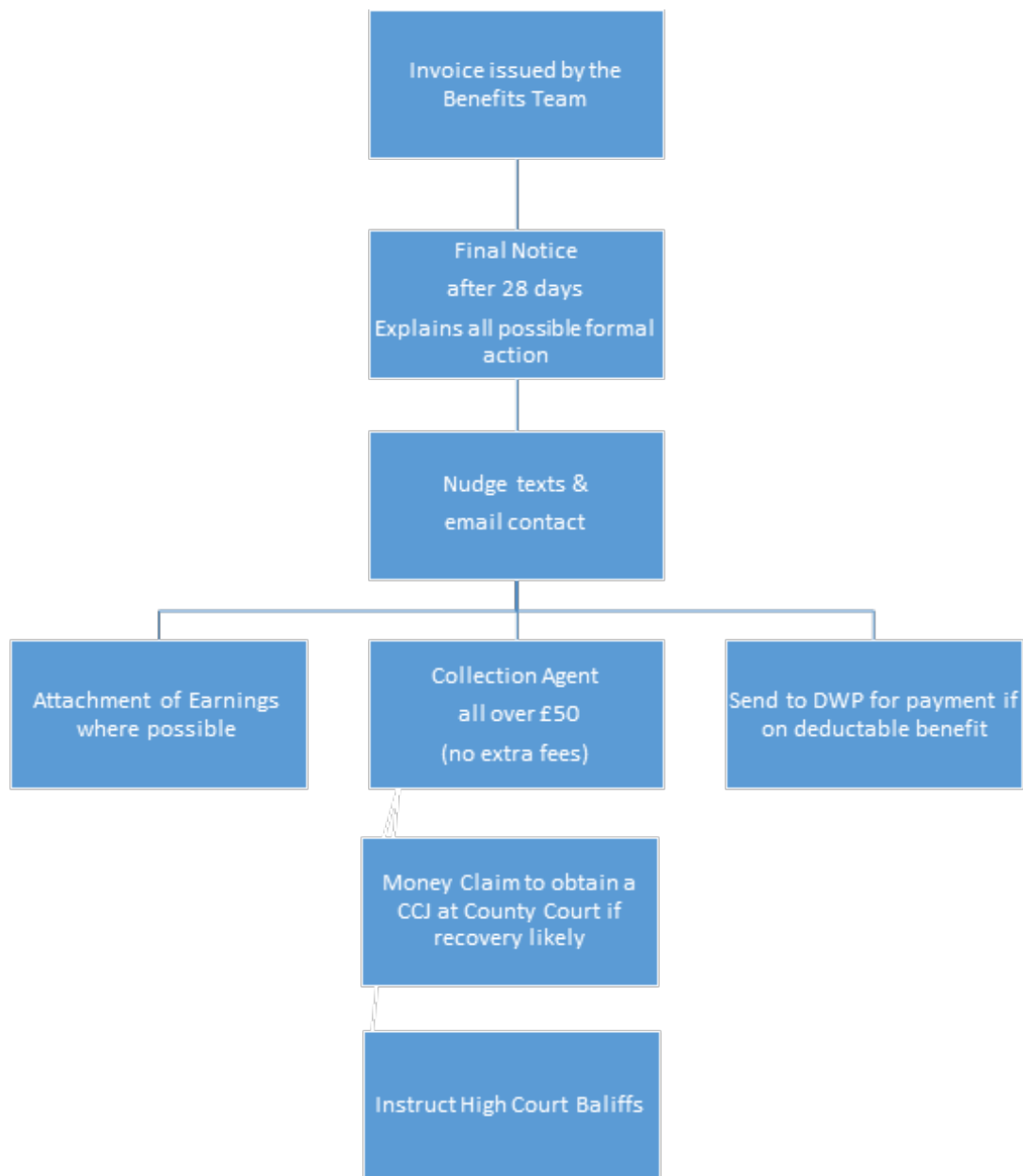
7.2 Forfeiture can also be considered for the recovery of commercial rent. This is where the Council will forfeit a lease due to non-payment of rent. The Council will instruct an Enforcement Agent to carry out the process of securing the property.

## 8. Housing Benefit Overpayment Process

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

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

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



## 9. Enforcement

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

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

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

## **9.2 Enforcement Agents**

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

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

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

The above fees are set by Government and may be subject to increase.

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

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

## **9.4 Bankruptcy Proceedings/Liquidation**

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

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

The following factors must be considered:

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

## **9.5 Charging Orders on Property**

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

## **9.6 Committal Proceedings**

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

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

## 9.7 Money Claim

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

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

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

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

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

Considerations may include:

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

For business debts considerations may include:

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

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

- Holding enforcement action once a customer makes contact to inform of a difficulty in making payment.
- Voluntary payment solutions considered in preference to statutory or civil remedies as a first stage.
- Past history of payments should be considered when making a decision to proceed with enforcement action.
- Where a payment solution is agreed this should be confirmed in writing by the Council including any action that will be taken should the agreed payments not be made.

- Payment solutions should be made with an agreed up-front payment from the debtor whenever possible.
- Where a payment solution cannot be agreed, the debtor will be advised of the reasons why and that the recovery process will continue should an alternative arrangement not be made.

## 11. Debt Advice

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

To be referred the customer must meet eligibility criteria:

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

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

## 12. Breathing Space

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

## 13. Tracing and Searches

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

13.8 For Housing Benefit Overpayments, HMRC will provide employment details to enable attachment of earnings where appropriate.

## 14. Bad debts

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

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

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

<i>Debt Value</i>	<i>Process</i>	<i>Authorised Person</i>
<i>Up to £100</i>	Write off on the system with screen notes using write off code	Corporate Debt/Revenues Officer
<i>£101 to £5,000</i>	As above. Payments Manager to carry out spot checks and record for audit purposes.	Corporate Debt/Revenues Officer Payments Manager
<i>£5,000 - £15,000</i>	Detailed system checks/searches carried out. If unsuccessful and investigation form is complete and signed. Investigation forms scanned and front schedule to be signed.	Payments Manager & Head of Operational Finance
<i>£15,001 - £25,000</i>	As above	Payments Manager & Section 151
<i>Over £25,000</i>	A Portfolio Holder report must be complete with details of individual write-offs	S151 & Portfolio Holder

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

## 15. Complaints and errors

- 15.1 If an error or mistake is made in the process of recovering debt the account will reviewed and appropriate action taken.
- 15.2 If a customer is unhappy with the service provided or disagrees with the decisions made they are able to complain through the Councils standard complaints procedure. Details of this can be found on the Council website - <http://www.colchester.gov.uk/complaints>.
- 15.3 During the process of enforcing payment of outstanding debts it is possible that evidence or facts emerge after enforcement proceedings have been taken or have been completed.
- 15.4 In these cases the Council will take appropriate action to remedy the situation as far as possible:
- Proceedings will be stopped immediately
  - The debtors account will be noted to reflect the revised situation
  - Where appropriate the Court involved will be advised
- 15.5 Although the Council will make every effort to resolve a misrepresentation of the true situation, some issues can only be resolved by reference to the Courts.

## **16. Review**

- 16.1 This policy will be reviewed annually.

## Appendix 1

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

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

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

#### Mortgages

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

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

#### Shared ownership cases

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

## Appendix 2

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

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

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

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



# Governance and Audit Committee

16 December 2025

Item  
**7(iii)**

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

Title **Review of Local Code of Corporate Governance  
2025/26**

Wards affected Not applicable

## 1. Executive Summary

- 1.1 This report requests the Committee to review the Local Code of Corporate Governance for 2025/26. The Local Code of Corporate Governance is how the Council demonstrates that its structures comply with the recognised principles of good governance.
- 1.2 The report also recommends that Full Council includes the Code in its Policy Framework which comprises all of the Authority's key policies.

## 2. Recommended Decision

- 2.1 To review the updated Local Code of Corporate Governance for 2025/26.
- 2.2 To recommend to Full Council that it be approved for inclusion in the Council's Policy Framework.

## 3. Background

- 3.1 In 2007 CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives) issued "Delivering Good Governance in Local Authorities", a guide to ensuring that local authorities are appropriately governed. This was updated in April 2016.
- 3.2 Governance is defined as the systems and processes, and cultures and values, by which an organisation is directed and controlled and through which it accounts to, engages with and, where appropriate, leads their communities. It is about how Colchester City Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner
- 3.3 The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Councillors and Officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal.
- 3.4 Therefore a Local Code of Corporate Governance has been developed to ensure that the Council complies with the principles set out in the CIPFA/SOLACE guidance. The Local Code is reviewed annually, to ensure that the Council is still satisfying the principles, and forms part of the Council's Policy Framework. The Committee last considered the Local Code at its meeting on 3 December 2024.

- 3.5 The guidance identifies six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. The principles are;
- Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area;
  - Councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
  - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
  - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
  - Developing the capacity and capability of members and officers to be effective; and
  - Engaging with local people and other stakeholders to ensure robust public accountability.
- 3.6 The six core principles each have a number of supporting principles, which in turn have a range of specific requirements that apply across the range of Council business.
- 3.7 The Local Code, and the Council's compliance with the principles, have been reviewed, and attached at Appendix 1 is the updated Local Code of Corporate Governance for 2025/26. This sets out the six principles and elaborates on how the Council is meeting them, what source documents or processes evidence this and in addition highlights any further or ongoing work. This in turn links into the Council's Annual Governance Statement.
- 3.8 The Local Code has been updated to reflect the delivery of the Strategic Plan 2023-26 and Cabinet's vision and priorities, along with details of the Fit for the Future Transformation Portfolio, the Council's Productivity Plan, the development of the Governance & Audit Committee to reflect the CIPFA requirements on Audit Committees, the development of the Shareholders Team that supports the strategic direction of the council's companies and their relationship with the Council, details of the Corporate Landlord model and the commitment of the statutory officers to comply with the Code of Practice on Good Governance for Statutory Officers. Otherwise, there have been no significant changes to the Local Code following the review, and it is considered still fit for purpose.

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

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

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

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

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

6.1 None.





Colchester  
City Council

# Code of Corporate Governance 2025/26

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

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## THE PRINCIPLES OF CORPORATE GOVERNANCE

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

## CODE OF CORPORATE GOVERNANCE

### INTRODUCTION

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

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

**Delivering Good Governance in Local Authorities (CIPFA/SOLACE 2007 updated 2016)**

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

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

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

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

## PRINCIPLE ONE

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

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

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

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.1.1 Develop and promote the Council's purpose and vision</p>	<p>The <a href="#">Strategic Plan 2023-26</a> sets out how the Council will address the key challenges facing the City through five strategic priority themes. It was approved by Full Council in February 2023. In March 2023 the Cabinet agreed the <a href="#">strategic plan delivery plan</a>. The strategic plan delivery plan was refreshed by Cabinet at its meeting in <a href="#">October 2025</a>.</p> <p>Alongside the Strategic Plan 2023-26 the <a href="#">Fit for the Future Transformation Portfolio</a> was approved in March 2024, this sets out the details of activity that will transform delivery, generate income and reduce net operating costs.</p> <p>Performance against Key Performance Indicators and the Strategic Plan Delivery Plan is reviewed by Cabinet on a six-monthly basis. The last such review was in <a href="#">June 2025</a>, and a further review is scheduled for February 2026. .</p> <p>The Council's commercial programme, including its trading companies within Colchester Commercial (Holdings) Ltd (CCHL) holding company. Partnership working with local, regional and national stakeholders. Service Plans. Council website – <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a>. Local Research and Statistics data on website.</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2023-26</a>, including the <a href="#">strategic plan delivery plan</a>.</p> <p>Continual development of Colchester Commercial Holdings Ltd (CCHL), and the implementation of their high-level goals, financial targets and management agreements. Monitoring includes the <a href="#">CCHL Annual Report 2023/24-</a>,</p> <p>Encouraging self-serve and online options to maximise use of resources.</p> <p>Council website – continuing its development to support the Council's vision and objectives, including focus on online self-serve options.</p> <p>New <a href="#">digital</a> and <a href="#">customer</a> strategies are in the process of being prepared and it is anticipated will be approved by Cabinet at its meeting on 10 December 2025.</p> <p>To continue to work together with government and other authorities in Essex on devolution and local government reorganisation.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
1.1.1 Develop and promote the Council's purpose and vision contd.	<p>The Constitution and its committees and panels.            People Strategy - embedding the organisational goals for staff, including our people vision and values.            Key Performance Indicators (KPIs) reported and published to show achievements against targets            The Council's strategies and policies.            Awards and accreditations - <a href="#">council-wide</a>            The <a href="#">Publication Scheme/Transparency Code</a>.</p> <p>Essex has been identified has been identified as a priority area for devolution and local government reorganisation. The Council has played an active role in the discussions across Essex about the future structures of local government. It has submitted a <a href="#">response to government</a> supporting a proposal for the creation of five unitary authorities for Greater Essex, which would see a unitary authority created covering the areas of Colchester, Tendring and Braintree Councils.</p>	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.1.2 Review on a regular basis the Council's vision for the local area and its impact on the authority's governance arrangements</p>	<p>Strategic Plan and its Action Plan.  The Constitution and its committees and panels.  Medium Term Financial Strategy and Capital Programme.  Local Code of Corporate Governance.  Annual Governance Statement and Assurance Framework.  Risk Register.  <a href="#">Strategic plan delivery plan</a> and <a href="#">news releases</a>.</p> <p>The final recommendations from the <a href="#">Peer Challenge</a> have been implemented and <a href="#">progress report</a> was presented to Cabinet in July 2023.</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2023-26</a>, including the <a href="#">strategic plan delivery plan</a></p> <p>Local Code of Corporate Governance updated annually as required by CIPFA Guidance.</p>
In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties.</p>	<p>Strategic Plan 2023-26  Partners were key contributors in the Peer Challenge  Safer Colchester Partnership – annual plan, website, strategic and operational groups  Working with a range of partners to provide customer-facing services.  Crime and Disorder Committee examines the work of the Safer Colchester Partnership.  Creation of a Health and Wellbeing Board, a dedicated strategic partnership group to oversee, steer and monitor performance of activity to reduce inequalities in healthy life</p>	<p>To continue to work together with government and other authorities in Essex on devolution and local government reorganisation.</p>

	<p>expectancy and deliver better health and wellbeing outcomes.                  Endorsement of the Place Partnership Approach for Health and Wellbeing and Adoption of a Memorandum of Understanding with the North East Essex Health and Wellbeing Alliance</p> <p>The inclusion of Health Alliance director on the Council’s Board of Directors</p> <p>Essex has been identified as a priority area for devolution and local government reorganisation. The Council has played an active role in the discussions across Essex about the future structures of local government. It has submitted a response to government supporting a proposal for the creation of five unitary authorities for Greater Essex, which would see a unitary authority created covering the areas of Colchester, Tendring and Braintree Councils.</p>	
<p>1.1.4 Publish an annual report on a timely basis to communicate the authority’s activities and achievements, its financial position and performance</p>	<p>Strategic Plan actions and monitoring of delivery                  Statement of Accounts                  Council’s website <a href="http://www.colchester.gov.uk">www.colchester.gov.uk</a>                  Awards and accreditations, Performance and Improvement sections of the website                  Performance Management Board                  ICT, Communication and Technology Strategy                  The Council’s Forward Plan                  Publication Scheme/Transparency Code</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2023-26</a>, including the <a href="#">strategic plan delivery plan</a>.</p> <p><a href="#">News releases</a>.</p>

	<p>All <a href="#">Annual Reports</a> into one place on the website for improved transparency and open access. An online '<a href="#">Council data</a>' library gives access to view and download a range of council databases, performance data and information.</p>	
<p><b>In order to achieve our aims we have/will:</b></p>	<p><b>Source documents/Processes</b></p>	<p><b>Further work ongoing</b></p>
<p>1.2.1 Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available</p>	<p>Performance reporting to Senior Management, Scrutiny Panel and Cabinet                  Consultation – “Consultations, Research and Statistics” section on website                  Mosaic and other customer research tools                  Annual Monitoring Report                  External Audit annual audit letter and recommendations                  Local Government and Social Care Ombudsman – Annual Review Letter                  Review of Complaints Procedure                  ‘Customer’ strand of the Council’s <a href="#">Customer Service Standard</a>.</p>	<p>Research and Change Team review customer demand and feedback, statistics and research to encourage services to make informed choices based on fact, and support process improvement work council-wide.</p> <p>‘Customers and Partnerships’ strand of Senior Management Team meetings – this meeting aims to ensure we are focused on our customers and looking for partnership opportunities.</p> <p>Feedback tab on webpages  <a href="#">‘Help us get it right’</a> options for customers</p> <p>New <a href="#">digital</a> and <a href="#">customer</a> strategies are in the process of being prepared and it is anticipated will be approved by Cabinet at its meeting on 10 December 2025.</p>

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

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		A report on how the Council has complied with its duty to promote biodiversity will be submitted to Cabinet in February 2026.
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## PRINCIPLE TWO

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

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

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

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

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

2.3.1 Develop protocols to ensure effective communication between members and officers in their respective roles	Member / Officer Protocol Planning Procedures Code of Practice Outside Bodies advice given to Members Member and Officer Codes of Conduct	Portfolio Holder briefings  All member briefings
<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
2.3.2 Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process including an effective remuneration panel (if applicable)	Pay and conditions policies and practices Independent Remuneration Panel Terms of Reference and Reports Regular liaison meeting with Unison Officer Pay Policy agreed by Full Council	Independent Remuneration Panel review of allowances and indexation to be considered by Full Council on 4 December 2025.
2.3.3 Ensure that effective mechanisms exist to monitor service delivery	Performance reporting and performance indicators Complaints Procedure Assistant Directors monitoring Service Plans Performance Management Board Performance management system Scrutiny Panel Annual Governance Statements for the Council, Colchester and Ipswich Museums Service and North Essex Parking Partnership Publication Scheme/Transparency Code	Customers and Partnerships' strand of Senior Management Team meetings  Customer insight work

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>2.3.4 Ensure that the organisation’s vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated</p>	<p>Strategic Plan underpinned by a review of all existing consultation work.            Medium Term Financial Strategy            Performance reporting and indicators            Council Website            ICT, Communication and Technology Strategy            News releases, e-newsletters and social media  <a href="#">Resident’s Panel</a> and customer insight groups            Service Reviews  <a href="#">News releases</a>.</p> <p>Environment and Sustainability Panel provide Colchester’s response to the climate emergency. ESP monitor the progress of the Climate Emergency Action Plan and provide an annual report to Cabinet on progress.</p> <p>The final recommendations from the <a href="#">Peer Challenge</a> were implemented and <a href="#">progress report</a> was presented to Cabinet in July 2023.</p>	<p>Development and monitoring of actions to support delivery of the <a href="#">Strategic Plan 2023-26</a>, including the <a href="#">strategic plan delivery plan</a>.</p>

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

## PRINCIPLE THREE

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

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

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

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>3.1.1 Ensure that the authority’s leadership sets a tone for the organisation by creating a climate of openness, support and respect.</p>	<p>Constitution                      Chief Executive’s and Leader’s blog on intranet                      Performance reporting                      Governance and Audit Committee has an overall view of conduct issues established by its terms of reference                      Member and Officer Codes of Conduct                      Member/Officer Protocol                      Whistleblowing Policy                      Anti-Fraud and Corruption Policy                      Freedom of Information Policy statement and publication scheme                      Monitoring Officer and S151 Officer Protocols                      Localism Act Member conduct regime                      Annual review of Ethical Governance policies                      Peer Challenge                      Planning Procedures Code of Practice                      Officer Register of Gifts and Hospitality                      Officer voluntary register of interests                      Members’ Register of Interests                      Website and intranet                      Portfolio Holder monthly sessions with senior officers                      “Corporate Governance” section on the Council’s website bringing all relevant information together under one heading                      'Council data' online resource</p>	<p>Staff survey and taking action on its findings                      Leadership Development Programme led by Senior Leadership Board                      Social media, including Yammer                      Regular staff news bulletins by email                      Information and videos on intranet                      Employee Assistance Programme                      Staff Wellbeing Champions and Mental Health First Aiders</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>3.1.2 Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols</p>	<p>Member and Officer Codes of Conduct  Performance management system  Complaints procedures  Anti-fraud and Corruption Policy  Member/Officer Protocol  Induction for new Members and staff  Member Development Programme  Officer training on Member/ officer relationship  Whistleblowing Policy  Information and Communication Technology  ICT Security Policy  Safeguarding Policy  Intranet  Annual review of Ethical Governance policies  Review of Complaints Procedure  Adoption of Code of Conduct and provision of training on the code for members.  The three statutory officers – Head of Paid Service, Chief Finance Officer &amp; Monitoring Officer work together in compliance with the Code of Practice on Good Governance for Local Authority Statutory Officers.</p>	<p>Embedding the organisational goals for staff, including our people vision and values.</p> <p>The Job Accountability Statement/Person Specification template highlights the core values to applicants, and the staff appraisal scheme makes how officers conduct themselves against the values, attitudes and behaviours to be equally important to achieving the SMART objectives that apply to the role.</p>

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
3.1.3 Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.	Member and Officer Codes of Conduct Equality and Diversity training for Members and Officers Financial & Contract Procedure Rules, Ethical Governance policies Registers of Interests (Officers and Members) Equality Impact Assessments & Equality Objectives Officer induction and training Annual review of Ethical Governance Policies Job Accountability Statements include whether or not a role is politically restricted	Adoption of Code of Conduct and provision of training on the code for members.
3.2.1 Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners	Member and Officer Codes of Conduct Strategic Plan, objectives and priorities in place and shared Performance reporting Strategic Plan Action Plan – progress is reported to Scrutiny and Cabinet on a half-yearly basis	People Strategy - embedding the organisational goals for staff, including our people vision and values  People Strategy actions
3.2.2 Put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	Contract Procedure Rules Ethical Governance Policies Member and Officer Codes of Conduct Monitoring of the above takes place by the Governance and Audit Committee ICT Security Policy Annual reporting to Governance and Audit Committee	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.2.3 Develop and maintain an effective Standards Committee	Member conduct issues (standards) within remit of Governance and Audit Committee Agenda and Minutes Terms of Reference Regular meetings Member training on Code of Conduct Work programme	Annual review of the Localism Act arrangements by the Governance and Audit Committee.  Adoption of Code of Conduct and provision of training on the code for members.  Development of the function of the Governance and Audit Committee, in line with the CIPFA guide to audit committees.
3.2.4 Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority	Member and Officer Codes of Conduct Strategic Plan, objectives and priorities in place and being shared Performance Appraisals Portfolio Holder briefing with Senior Managers Policy Framework	People Strategy - embedding the organisational goals for staff, including our people vision and values.
3.2.5 In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively	Values agreed with each partner  Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny	Annual report to Cabinet on Members' appointments to outside bodies, including feedback on outcomes, issues and engagement

## PRINCIPLE FOUR

### **Core Principle 4 – Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

#### **Our aims in taking informed and transparent decisions which are subject to effective scrutiny and managing risk are to:**

- 4.1 Being rigorous and transparent about how decisions are taken and listening and acting on the outcomes of constructive scrutiny.
- 4.2 Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.
- 4.3 Ensuring that an effective risk management system is in place.
- 4.4 Using their legal powers to the full benefit of the citizens and communities in their areas.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.1.1. Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the organisation's performance overall and of any organisation for which it is responsible	Scrutiny is supported by robust evidence and data analysis Agenda and Minutes Scrutiny Panel Work programme Successful outcome of reviews Ownership of work programme Training for scrutiny chairman and members Scrutiny of partners and joint projects	Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny  Specialised training provided to Scrutiny members
4.1.2 Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	The Constitution, Committees and Panels Decision making protocols Record of decisions and supporting materials Report template Live streaming of meetings via YouTube or on website Publication of minutes of meetings on the Council's website	Meetings have been live streamed through YouTube or Audiominutes leading to greater public engagement.
4.1.3 Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	Member and Officer Codes of Conduct Member and Officer Registers of Interests Declaration of Interests at meetings Code of Conduct guidance and training provided to Members and Officers Planning Procedures Code of Practice Governance and Audit Committee (responsibility) and Monitoring Officer (reports) Politically restricted posts Ethical Governance Policies, and annual review Secondary Employment Policy	Adoption of Model Code of Conduct and provision of training on the code for members.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.1.4 Develop and maintain an effective Audit Committee (or equivalent) which is independent or make other appropriate arrangements for the discharge of the functions of such a committee	Audit issues within remit of Governance and Audit Committee Member Development Programme Agenda and Minutes The Constitution	Continue to review Member training programme with specific reference to audit and governance  Development of the function of the Governance and Audit Cttee, in line with the CIPFA guide to audit committees.
4.1.5 Put in place effective transparent and accessible arrangements for dealing with complaints	Complaints procedure " <a href="#">Help us get it right</a> " on website with full details Annual letter from Local Government and Social Care Ombudsman Customer insight work Social media Review of Complaints Procedure	
4.2.1 Ensure that those making decisions whether for the authority or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications	Council's Website Report templates dealing with key aspects Report by Assistant Director with necessary technical expertise included Training and professional development Equality Impact Assessments Clear and well understood decision-making processes with published timelines Publication Scheme and Transparency Code 'Council data' online resource	Projects carried out by the Council's Research and Change Team  Customer insight work  Introduction of a requirement that all decision making reports must address the environmental and sustainability implications of the decision.  Development of the Corporate Landlord Model to ensure that the stewardship of the Council's property assets is fit for purpose.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>4.2.2 Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately</p>	<p>Report template requires that consultation is undertaken with legal and financial functions before report considered by Members, which makes explicitly clear whether the section 151 officer supports the recommendation in the report.                      Record of decision making and supporting materials                      S151 and Monitoring Officer Protocols                      Equality Impact Assessments                      Clear and well understood decision making processes with published timelines.</p>	<p>Strengthening the involvement of legal, governance and financial advisors in key projects and reviews.</p>
<p>4.3.1 Ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognising that risk management is part of their job</p>	<p>Risk Management Strategy - Policy Framework                      Corporate Risk Manager                      Corporate/service planning                      Cabinet Member with accountability for risk management                      Half-yearly reporting to Governance and Audit Committee                      Performance Management Board quarterly risk review                      Risk Registers- Strategic, Operational and Project                      Risk and Control self-assessment completed by all managers                      Training for Members and Officers                      Intranet area for Risk Management                      Corporate Governance Team, bringing together the co-ordination of governance processes.</p>	<p>Embedding of risk management processes into projects, with a review of what constitutes a significant project</p> <p>Integrating operational, strategic and project risks into the risk reporting process to senior management</p> <p>Providing strategic training to senior officers and members to set the risk framework.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.4.1 Actively recognise the limits of lawful activity placed on them by, for example the ultra vires doctrine but also strive to utilise powers to the full benefit of their communities	Constitution Monitoring Officer Report templates Equality Impact Assessments Equality Objectives	
4.4.2 Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law	Availability of professional legal advice Knowledge of current and forthcoming legislation and regulations Monitoring Officer Protocol S151 Officer Protocol Report templates Constitution Equality Impact Assessments Equality Objectives Training and Policy updates	Strengthening the involvement of legal, governance and financial advisors in key projects and reviews.
4.4.3 Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice into their procedures and decision making processes	Availability of professional legal advice Knowledge of current and forthcoming legislation and regulations Monitoring Officer Protocol S151 Officer Protocol Procedure Rules Report template Constitution Format for quasi-judicial committees “Have Your Say” processes Planning Procedure Code of Practice Equality Impact Assessments Equality Objectives 'Council data' online resource	Strengthening the involvement of legal, governance and financial advisors in key projects and reviews.

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## PRINCIPLE FIVE

### **Core Principle 5 – Developing the capacity and capability of Members and Officers to be effective**

#### **Our aims in relation to developing the capacity and capability of Members and Officers to be effective are:**

- 5.1 Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles
- 5.2 Developing the capability of people with governance responsibilities and evaluating their performance as an individual and as a group
- 5.3 Encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal

order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.1.1 Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis	Member training and development Member training records on the website Member and Officer Induction programmes Refresher courses Briefings Performance reviews for officers People Strategy Training Needs Analysis for members Learning and Development Strategy Charter Status for Elected Member Development renewed 2025 (re-assessed every 3 years)	Member skills development  Intranet section with e-induction options and information for new starters.  Learning and Development section on the intranet is now a 'one stop shop' for staff e-learning – from induction to essential skills and wellbeing – with new section offering free webinars/resources.
5.1.2 Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the organisation	Appraisals and regular 1 to 1 sessions Personal Development Plans Training and development Recruitment and Induction Monitoring Officer and S151 Officer Protocols Employee Policies Learning and Development Strategy/Annual Learning and Development Plan Talent Management/Career Track for staff Future Leader programme	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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<p>5.2.1 Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively</p>	<p>Performance reviews for officers  SMART objectives  Personal Development Plans for officers  Member training and development  People Strategy  Learning and Development Strategy/Annual Learning and Development Plan  Training Needs Analysis for Members  Charter Status for Elected Member Development renewed 2025 (re-assessed every 3 years)  Talent Management/Career Track for staff – Senior Management Team considers critical roles; moderate career track paths; confirm Future Leader or Future Potential assessments; and then consider those on the Future Leader career track and manage their development</p>	<p>Member skills development</p> <p>Specialised training provided to Scrutiny members.</p> <p>Development of the function of the Governance and Audit Committee, in line with the CIPFA guide to audit committees.</p>
<p>5.2.2 Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed</p>	<p>Performance reviews for officers  Personal Development Plans for officers  Member training and development  Member scrutiny training  People Strategy  Colchester Learning Managers  Vine HR and East of England Local Government Association – meetings, best practice and briefings  Peer Challenge and action plan  Charter Status for Elected Member Development renewed April 2022 (re-assessed every 3 years)  Talent Management/Career Track for staff</p>	<p>Member skills development</p> <p>Learning and Development – commercial and Office365 skills</p> <p>Specialised training provided to Scrutiny members.</p> <p>Development of the function of the Governance and Audit Committee, in line with the CIPFA guide to audit committees.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.2.3 Ensure that effective arrangements are in place for reviewing the performance of the authority as a whole and of individual members and agreeing an action plan which might for example aim to address any training or development needs	Performance reporting and indicators Performance and Improvement Framework Performance management and appraisals – staff SMART objectives People Strategy Peer Challenge and action plan Annual Audit Letter Members’ Training Needs Analysis Annual Training Plan Local Government and Social Care Ombudsman Annual Letter	External assessment for the reaccreditation of Member Charter Status required every 3 years – retained 2025.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>5.3.1 Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority.</p>	<p>Equality Impact Assessments on services and policies                      Consultations, Research and Statistics on website                      Voluntary Sector Grants programme                      Community Enabling Strategy                      Public meetings                      Equality Objectives                      Strategic Plan Consultation                      Local Development Framework consultation                      Community development work                      Consultations                      Customer insight work                      Research and Change Team projects  <a href="#">Residents' Panel</a>                      Have Your Say! processes                      Appointment of Independent Persons                      Audio streaming of Council meetings</p> <p>The adoption of on-line committee meetings, during the pandemic, enabled greater participation from all sections of the community. The viewing figures demonstrate greater public participation than the previous audio recordings. A public consultation provided responses that demonstrated overwhelming support for on-line meetings.</p>	<p>Apprenticeship scheme, and encouraging the Council's apprentices to take part in elections work</p> <p>Locality Budgets</p> <p>Use of social media</p> <p>Maintaining the Council's commitment to paying the Living Wage as a minimum for its staff including, for example, those helping to support the Council's elections work at polling stations</p> <p>.</p> <p>Further development of the technology required to enable fully interactive hybrid meetings in the future, when the government legislates to allow this.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.3.2 Ensure that career structures are in place for Members and Officers to encourage participation and development	People Strategy Internal Recruitment Process Internal Secondments Personal Development Plans for officers Talent Management/Career Track for staff Future Leader Programme Member skills development Staff structure charts	Apprenticeship Programme for staff  Staff Recognition Scheme and annual celebration of achievements.  Opportunities such as the District Council Staff Development Programme and the Local Authority Challenge as they arise  Commitment to LGA Leadership Academy .

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## PRINCIPLE SIX

### **Core Principle 6 – Engaging with local people and other stakeholders to ensure robust public accountability**

#### **Our aims in relation to engaging with local people and other stakeholders to ensure robust public accountability are to:**

Exercise leadership through a robust scrutiny function which engages effectively with local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.

Take an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly, in partnership or by commissioning.

Make best use of human resources by taking an active and planned approach to meet responsibility to staff.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>6.1.1 Make clear to themselves, all staff and the community, to whom they are accountable and for what</p>	<p>Constitution                      Community Enabling Strategy                      Stakeholder identification                      Targets and Performance Monitoring                      Website and intranet                      Consultation work                      ICT, Communication and Technology Strategy                      Asset Management Strategy                      'Council data' resource on the Council's website brings together all information required under statutory codes such as the 'Local Government Transparency Code' and the 'Publication Scheme' to make this easily accessible  <a href="#">Structure charts</a> for senior management</p>	<p>A wide range of information is brought together into one place on our website -- <a href="#">Council Data</a> - much of this can be downloaded / shows year-on-year data. Planned IT and access improvements have now been made.</p> <p>Locality Budgets for councillors have been brought in with clearer guidelines and all spend/activity transparently available on the Council's website.</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.1.2 Consider those institutional stakeholders to whom they are accountable and assess the effectiveness of the relationships and any changes required	Stakeholder identification Statutory provisions Stakeholder surveys Consultation Strategy ICT, Communication and Technology Strategy Scrutiny Panel and the Crime and Disorder Committee Work Programme 'Council data' online resource	Ongoing review of Freedom of Information requests to see if there are items which could be put onto the website or 'Council data', so that a repeat request would not be needed as the item had been made freely available.
6.1.3 Produce an annual report on scrutiny function activity	<a href="#">Annual Scrutiny Report</a> which is agreed by Full Council	
6.2.1 Ensure that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively	ICT, Communication and Technology Strategy News releases, e-newsletters and social media Websites for the Council and subsidiaries Equality Impact Assessments Safeguarding Policies 'Council data', Freedom of Information and Data Protection section of the website Recordings of meetings on the website <a href="#">Cost of Living</a> resources set up, and have provided a source of latest updates, information, advice and support for <a href="#">residents</a> , <a href="#">businesses</a> and <a href="#">communities</a> .	Social media and text messaging  Customer and demand projects

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.2.2 Hold meetings in public unless there are good reasons for confidentiality	Constitution Access to Information Rules Compliance with Localism Act access to information regulations	Meetings have been live streamed through YouTube or Audio minutes leading to greater public engagement.

	Audio streaming of Council meetings	
<p>6.2.3 Ensure arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands</p>	<p>Strategic Plan                      Website - “Consultations, Research and Statistics” section                      Consultation work                      ICT, Communication and Technology Strategy                      Community development work                      Equality Objectives/Equality Impact Assessments                      Budget Consultation Meeting  <a href="#">Residents’ Panel</a></p>	<p>Holding <a href="#">public consultations</a> on key issues to encourage different sections with differing views to take part</p>
<p>6.2.4 Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result</p>	<p>Statement of Community Involvement                      Customer insight project team and its work                      Partnership framework                      ICT, Communication and Technology Strategy                      Consultation Strategy                      Budget Consultation - meeting and online                      Strategic Plan consultation                      Website - “Consultations, Research and Statistics” section                      Cabinet and Council – progress of questions raised by the public  <a href="#">Residents’ Panel</a></p>	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.2.5 On an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period	Statement of Accounts Strategic Plan Strategic Plan Action Plan – progress is reported to Scrutiny and Cabinet on a half-yearly basis Performance Reporting and Indicators Council website has “Performance and Improvement”, “Council Awards and Achievements” and “Council and Democracy” sections Publication Scheme and Transparency Code All annual reports into one central place on the Council's website for improved transparency.	
6.2.6 Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so	Constitution Customer service standards Voluntary Sector Compact “Have Your Say” at meetings Freedom of Information Act Publication Scheme Member and Officer Codes of Conduct Ethical Governance Policies Monitoring Officer Protocol ICT, Communication and Technology Strategy Data Protection Policy ICT Security Policy Council website 'Council data', Freedom of Information and Data Protection section of the website National Fraud Initiative - Fair Processing Notice Publication Scheme and Transparency Code Live Streaming of Council meetings Forward Plan and Notice of Private Decisions	Security checks on staff who process official/sensitive information using the Public Sector Network or who need a secure GCSX e-mail address  Working with a range of partners to provide customer-facing services.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making	Investors in People Facilities and Recognition Agreement with UNISON – including monthly meetings. Internal Communications Strategy Service Reviews and other operational reviews include consultation and involvement arrangements as part of the process/staff communications Speak Up Now group	Staff survey and taking action on its findings

16 December 2025

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

**1. Executive Summary**

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

**2. Recommended Decisions**

- 2.1 To note the contents of this report.

**3. Background**

- 3.1 The Localism Act 2011 ("the Act") introduced the current system of regulation of standards of conduct for elected and co-opted Members. The Act requires local authorities to adopt a code of conduct consistent with the seven Nolan Principles of public life and that Principal Authorities put in place "Arrangements" to deal with allegations that Councillors had failed to comply with the Members' Code of Conduct. Principal Authorities are also required to appoint at least one "Independent Person" who are to be consulted as part of the Council's "Arrangements".
- 3.2 The Full Council at its meeting on 19 October 2022 formally adopted the Local Government Association's Model Councillor Code of Conduct ("the LGA Code") and agreed that it would come into effect on 1 December 2022. The City Council's code of conduct is published on the Council's website: [CCC-Code-of-Conduct Nov 22](#)
- 3.3 The Act also introduced the Disclosable Pecuniary Interest's regime and the LGA Code introduced Other Registerable Interests and Non-Registerable Interests which replaced the former pecuniary and non-pecuniary interests under the previous version of the Council's Members Code of Conduct. The Council's "Arrangements" were also amended to reflect that they applied to the LGA Code.
- 3.4 The Act places on the City Council a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. The Full Council has in turn delegated this function to this Committee as part of its terms of reference.
- 3.5 The Committee at its meeting on 4 December 2024 last reviewed the Council's Localism Act processes and this report reviews our subsequent experience to date.

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

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

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

- 5.1 The Act required the Council to adopt "Arrangements" for dealing with allegations that Councillors have potentially failed to comply with the Code. Any allegations that Councillors have not complied with the Disclosable Pecuniary Interests regime under the Act are not dealt with under the Council's "Arrangements" as they are potentially criminal offences and are required to be dealt with by the Police. As at the date of this report there have been no such allegations or referrals.
- 5.2 The Council's "Arrangements" are made publicly available on the City Council's website and have been implemented in relation to both City and Town and Parish Councillors. All allegations are received by the Monitoring Officer who makes an initial assessment of the merits of the complaint in consultation with an Independent Person in accordance with the "Arrangements".
- 5.3 The table at Appendix 1 below details the number, type and outcome of all allegations received between December 2022 and November 2025 under the LGA Code together with those of Town and Parish Councils.

5.4 Overall the Council's Localism Act "Arrangements" appear to have been operating satisfactorily over the past year. The Monitoring Officer has reviewed the "Arrangements" and an updated version is attached at Appendix 2 and I would recommend that the Committee continues to keep them under annual review.

## **6. Proposed changes to the Standards Framework**

6.1 On 18 December 2024 the Government commenced a consultation entitled "Strengthening the standards and conduct framework for local authorities in England". The Committee agreed a response to the consultation which was duly submitted.

6.2 On 11 November 2025 the Government published its formal response to the consultation which can be found on the following link:

[Strengthening the standards and conduct framework for local authorities in England – consultation results and government response - GOV.UK](#)

6.3 In summary, the Government's response states that it now intends to "legislate for a whole system reform of the current regime as set out in Localism Act 2011", to include:

- the introduction of a mandatory code of conduct, which will include a behavioural code, for all local authority types and tiers
- a requirement that all principal authorities convene formal standards committees, to include provisions on the constitution of standards committees to ensure objectivity, accountability and transparency
- the requirement that all principal authorities offer individual support during any investigation into code of conduct allegations to both the complainant and the councillor subject to the allegation
- the introduction at the authority level of a 'right for review' for both complainant and the subject elected member to have the case reassessed on grounds that will be set out in legislation
- powers for authorities to suspend elected members for a maximum of 6 months for serious code of conduct breaches, with the option to withhold allowances during suspension for the most serious breaches and introduce premises and facilities bans either in addition or as standalone sanctions
- in response to the most serious allegations involving police investigation, or where sentencing is pending, the introduction of powers to suspend elected members on an interim basis for an initial period of 3 months which, if extended, will require regular review
- a new disqualification criterion for any elected member subject to the maximum period of suspension more than once within 5 years
- the creation of a new national appeals function, to consider appeals from elected members to decisions to suspend them and/or withhold allowances, and for complainants if they consider their complaint was mishandled. Any appeal submitted will only be permitted after complainant or elected member has invoked their 'right for review' of the local standards committee decision has been invoked and that process is completed

6.4 All of the proposals contained above will require primary legislation and will accordingly be subject to parliamentary time and consequently there is currently no implementation timetable.

## **7. Strategic Plan References**

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

## **8. Publicity Considerations**

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

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

9.1 None.

## **10. Devolution and Local Government Reorganisation Implications**

10.1 As part of local government reorganisation all new unitaries and Strategic Authorities will be required to adopt a code of conduct.

### **Appendices:**

Appendix 1 - Code of Conduct Allegations received (LGA Model code)

Appendix 2 – Localism Act Arrangements (Dec 25)

### Councillor Code of Conduct Allegations received between December 2022 and November 2025 (LGA Model Code)

<b>Allegations</b>	Dec 22 – Nov 23	Dec 23- Nov 24	Dec24 – Nov 25	Total
Number received	5	13	18	36
City Councillor	3	3	9	15
Parish Councillor	2*	10	9	21

\*four persons made the same complaint against one councillor

<b>Source of complaints</b>	Dec 22 – Nov 23	Dec 23- Nov 24	Dec 25- Nov 25	Total
Member of the public	7	13	15	35
City Councillor	0	0	2	2
Parish Councillor	1	0	1	2
County Councillor	0	0	0	0
Member of Parliament	0	0	0	0

<b>Outcome</b>	Dec 22 – Nov 23	Dec 23- Nov 24	Dec 24 – Nov 25	Total
Not within remit of Code of Conduct	0	3	1	4
Merits no further investigation	5	6	14	25
Merits further investigation	0	0	3	3

	Dec 22 - Nov 23	Dec 23 – Nov 24	Dec 24 – Nov 25	Total
Referrals to Governance and Audit Committee	0	0	0	0
Hearings Sub-Committee	1	0	0	1

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



## **Colchester City Council**

### **Governance and Audit Committee**

#### **Councillor Code of Conduct**

##### **Arrangements for dealing with complaints.**

#### **1. Introduction**

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

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

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

## **3. Making a complaint**

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

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

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

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

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

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

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

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

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

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

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

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

(a) Informal Resolution

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

(b) Hearing

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

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

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

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

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

Accordingly, the Hearings Sub-Committee may: -

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

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

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

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

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

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

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

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

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

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

## **13. Appeals**

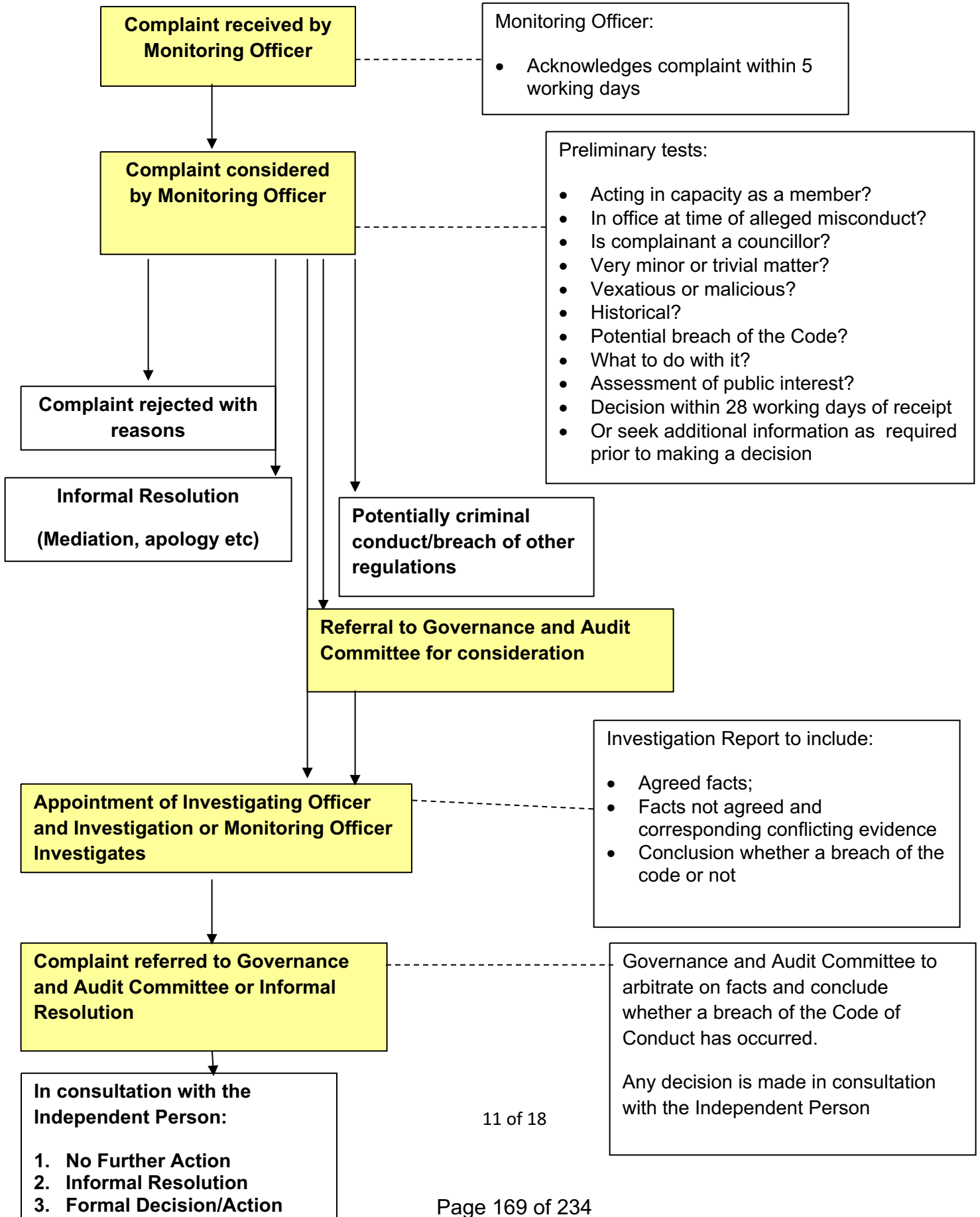
**13.1** There is no right of appeal for you as complainant or for the Councillor against a decision of the Monitoring Officer or of the Hearings Sub-Committee.

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

## **14. Review**

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

## Complaints Procedure Flowchart



## Colchester City Council

### Press Policy

#### Complaints against Members

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

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

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

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

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

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

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

**Colchester City Council**

**STANDARDS COMPLAINTS ASSESSMENT CRITERIA**

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

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

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

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

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

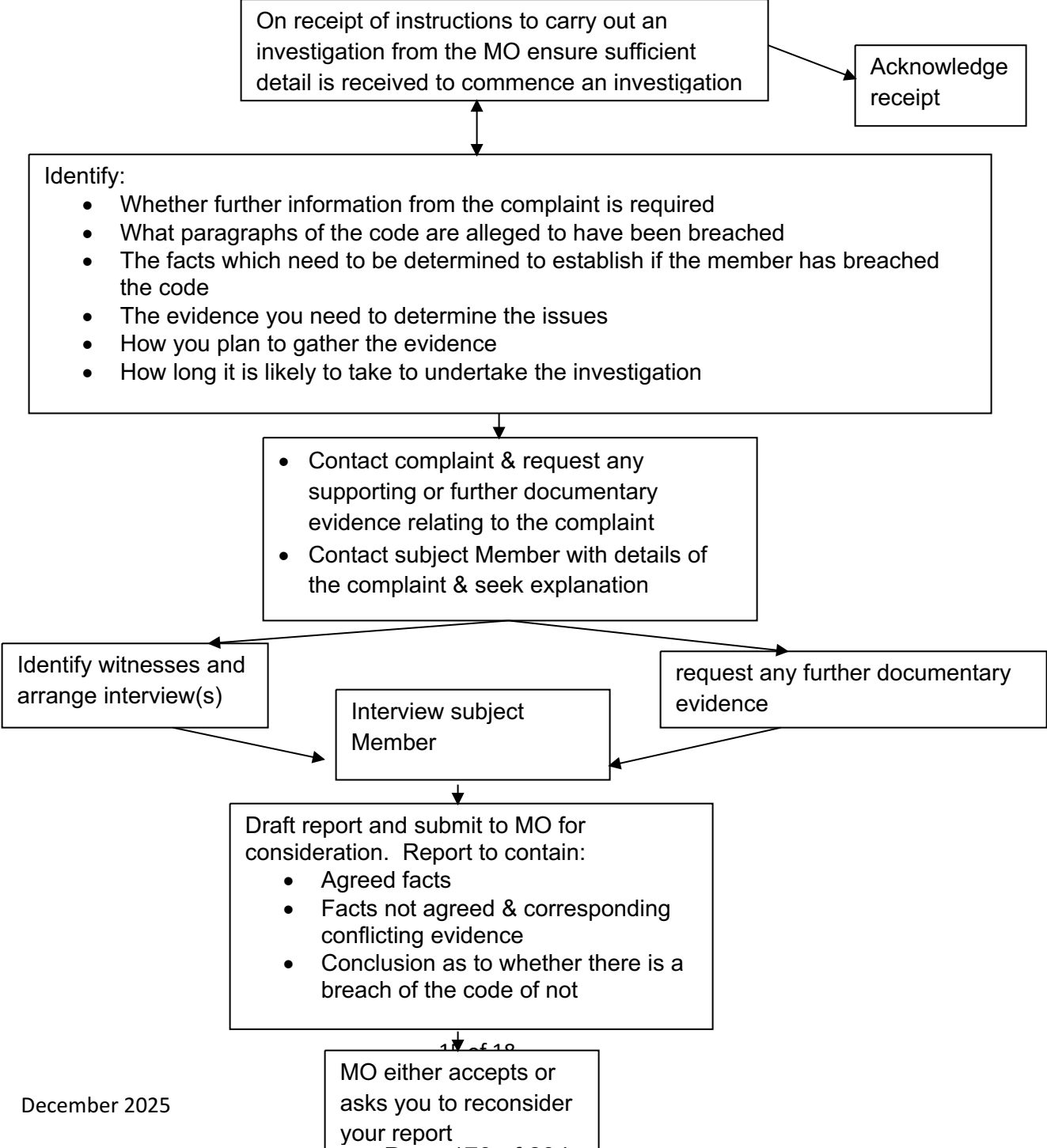
**Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and Councillors' time. This is an important consideration where the complaint is relatively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

STANDARDS COMPLAINTS INVESTIGATION PROCEDURE

Investigation Procedure

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

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



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

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

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

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

16 December 2025

<b>Report of</b>	<b>Head of Governance and Monitoring Officer</b>	<b>Author</b>	<b>Andrew Weavers</b>
<b>Title</b>	<b>Review of the Member / Officer Protocol</b>		<b>☎ 282213</b>
<b>Wards affected</b>	Not applicable		

**1. Executive Summary**

1.1 The Council has agreed a Member / Officer Protocol which provides a framework for good working relationships between Councillors and Officers, and which is included in the Constitution. This report requests the Committee to review the Member / Officer Protocol.

**2. Recommended Decision**

2.1 To approve the Member / Officer Protocol attached to this report and that it be included in the Council's Constitution.

**3. Background**

3.1 The Member / Officer Protocol is contained in Part 5 of the Constitution. This Protocol provides a framework for good working relationships between Councillors and Officers, to define their respective roles and provide some principles governing conduct. The Committee last reviewed the Protocol at its meeting on 4 December 2024.

3.2 The last report highlighted issues implementing a proposed upgrade to how Member Enquiries are handled. Whilst Members can raise enquiries via both the Escalator app and TaskSmart (in relation to Neighbourhood Services matters), it has not been possible, due to IT issues, to be able to implement all of the processes outlined in paragraph 16, such as the prioritisation of the enquiry. However, a maximum ten working day timescale for responding to enquiries should be being adhered to.

3.3 Member Enquiries forms part of the Future Customer (formerly called Digital Customer) element of the Council's Fit For the Future transformation programme. It is anticipated that this will deliver a much better technological solution for dealing with Member Enquiries and it is proposed that the details be presented to this Committee in due course.

3.4 The remainder of the Member / Officer Protocol remains fit for purpose and no other changes are proposed.

**4. Strategic Plan References**

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

**5. Publicity Considerations**

5.1 The Member / Officer Protocol forms part of the Council's Constitution which is published on the Council's website

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

6.1 None.

# Colchester City Council

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## Member / Officer Protocol

### Introduction

- (a) This Protocol sets down a framework for the interaction between Members and Officers to seek to ensure that Members and Officers work together effectively and efficiently to conduct the business of the Council.
- (b) The conduct of Members is governed by the Council's Members' Code of Conduct and Localism Act Arrangements. The conduct of Officers is governed by the Council's Code of Conduct for Council Employees.
- (c) This Protocol does not replace or affect those Codes; it contains a framework relating only to the areas of interaction between Members and Officers. However, a breach of the provisions of this Protocol is likely to constitute a breach of the relevant formal Code which in turn could lead to appropriate formal action being taken.

### 1. The Respective Roles of Members and Officers

- (1) Members are elected and represent their constituents. Under the Council's Executive Arrangements, Members will perform roles on the Cabinet, Scrutiny Panel, Planning Committee, Licensing Committee, Local Plan Committee, Governance and Audit Committee and the Environment and Sustainability Panel in addition to sitting as members of the Full Council. Some Members represent the Council upon outside bodies.
- (2) Officers are employed by and serve the whole Council. They provide the same level of support to the various functions of the Council, i.e. the Executive (Cabinet), scrutiny and regulatory. Officers advise the Council, the Cabinet, Panels and Committees. They implement decisions of the Council, the Cabinet, Panels and Committees and make decisions under powers delegated to them.
- (3) This Protocol also applies to officers employed by the Council which deliver services and functions on behalf of partner organisations i.e. North Essex Parking Partnership and Colchester and Ipswich Joint Museum Service. Additionally, some officers have also been appointed as directors of the Council's commercial companies as a consequence of their employment by the Council and remain subject to this Protocol even whilst acting in their directorship capacity.
- (4) Officers are responsible to their line manager and, ultimately, their Head of Service who in turn are accountable to the Chief Operating Officer / Deputy Chief Executive and Strategic Directors. The Chief Operating Officer and Deputy Chief Executive and Strategic Directors are accountable to the Chief Executive. The Chief Executive is accountable to the whole Council. Some senior officers have specific statutory responsibilities, including the Chief Executive, as Head of Paid Service (Section 4, Local Government and Housing Act 1989), the Head of Governance, as Monitoring Officer (Section 5, Local Government and Housing Act 1989), and Interim Chief Finance Officer as the Chief Finance Officer (Section 151, Local Government Act 1972).

## **2. Officers' Advice and Political Neutrality**

- (1) Officer advice and support will be provided to: -
- Full Council meetings;
  - meetings of the Cabinet and any Committees established by the Cabinet;
  - Portfolio Holders and other Cabinet Members (a greater degree of detail may be necessary for Cabinet Members who also carry portfolio responsibilities);
  - meetings of Committees/Sub-Committees and Panels;
  - Working Parties/Forums, etc.;
  - Chairs and Vice-Chairs of Committees and Panels;
  - all Members of the Council, on Council business.

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

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

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

## **3. Officers' Advice on Declarations of Interest**

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

## **4. Personal Relationships**

- (1) Close personal familiarity between individual Members and Officers can

damage working relationships and prove embarrassing to other Members and Officers. There is the danger of favouritism being shown to a particular Member or Officer. There may be a risk that confidential information will be passed to a Member. Please refer to the Council's Social Media Policy.

- (2) For these reasons, such a personal familiarity is discouraged. Nevertheless, it is recognised that there may be occasions where it is unavoidable, particularly where family relationships or common interests (e.g. a club) arise.
- (3) A Member must declare to the Chief Executive and their respective Group Leader any relationship with an Officer that might be seen as influencing their work as a Member. This includes a family or close personal relationship. Similarly, the Officer concerned should notify their Head of Service or, in the case of a Head of Service, the Chief Operating Officer / Deputy Chief Executive or, in the case of the Chief Operating Officer, Deputy Chief Executive or a Strategic Director, the Chief Executive. In the case of the Chief Executive, then all Group Leaders should be notified. The Chief Executive and the Chief Operating Officer or Deputy Chief Executive will arrange for the relationship to be included in the formal Declarations of Interests provided by the Member and Officer.

## **5 Appointment of Officers**

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

## **6. Undue Pressure**

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

## **7. Officers' Reports and Advice**

- (1) The named author(s) of a report to the Council or any part of its formal decision-making structure will always be fully responsible for the contents of it.

Under overview and scrutiny arrangements, an Officer can be held responsible for the contents of his/her reports or advice and be required to answer for the advice given.

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

## **8. Officer Decisions made under Delegated Powers**

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

## **9. Officers relationship with the Leader, Cabinet Members and the Chair of the Scrutiny Panel**

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

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

## **10. Constructive Criticism/Complaints**

- (1) It is important that there should be mutual courtesy between Members and Officers. It is important that there are reasonable standards of courtesy, and no Member or Officer should seek to take unfair advantage of their position.
- (2) Members and Officers should not criticise or undermine respect for the other at Council Meetings, briefings or at any other meeting they attend in their capacity as a Councillor or Council employee.
- (3) Members should not raise matters relating to the conduct or capability of an individual Council Officer or Officers collectively at meetings held in public.
- (4) Members when acting in their official capacity must comply with the Council's Social Media Policy and should not use social media to abuse, harass or undermine respect for officers. Officers should not use social media to criticise or undermine respect for Members and must comply with the Council's Social Media Policy at all times.
- (5) If a Member believes that they have not been treated with proper courtesy or has a concern about the conduct or capability of an Officer, they should raise the matter with the relevant Head of Service. If they are not satisfied with the action that has been taken in response to this, they may raise the matter with the Chief Operating Officer who will look into the matter afresh. If the Chief Operating Officer believes that there is a case to answer the Chief Operating Officer may determine the action to be taken which might include the Council's formal disciplinary procedures. If the Officer concerned is the Chief Operating Officer then the Member should raise the matter with their Group Leader, who should initially discuss the issue with the Chief Executive.
- (6) If an Officer feels that they have not been treated with respect or is concerned about any action or statement in relation to them or a colleague by a Member, or conduct of a Member, the Officer should raise the matter with their Head of Service. If the Officer is not satisfied with any action that has been taken as a result, the Officer should raise the matter with the Chief Operating Officer. If there is a serious case to answer the Chief Operating Officer with the agreement of the Chief Executive, may request that the matter be investigated through the Council's Governance and Audit Committee's procedures.
- (7) Where an Officer or Member is concerned about potential unlawful conduct of an Officer or Member, the Council's Whistleblowing Policy may also be relevant. Nevertheless, the procedure outlined in this Protocol should be first reference where possible.

## **11. Members' access to information and to Council documents**

- (1) Each Member has the right to inspect and have copies of the reports, minutes and background papers relating to the public part of any Council, Cabinet,

Panel or Committee agenda. However, Members do not have an automatic right of access to all documents relating to confidential or “Exempt” items on the agenda. These might include, for instance, information relating to employees, occupiers of Council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations. These provisions are detailed in the Access to Information Procedure Rules.

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

## **12. Public Relations and Press Releases**

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

- (3) For detailed guidance please refer to the Council's Media Protocol.

### **13. Council Publications**

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

### **14. Member Support Services**

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

### **15. Correspondence**

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

### **16. Member enquiries**

**NB. Whilst Members may submit enquiries via Escalator and or TaskSmart the following process is subject to review and will be updated and reported to Governance and Audit Committee in due course.**

*Members will submit enquiries to Officers via Escalator / TaskSmart and each enquiry will be allocated a reference number.*

*The following process shall be followed by Officers when a Member enquiry is received.*

- (1) *When Officers receive a Member enquiry (as opposed to a Freedom of Information request which will be dealt with in accordance with the Council's FOI procedure or a complaint which will be dealt with in accordance with the Council's complaint process), they should first ensure that they are the appropriate person to respond to the enquiry. If the enquiry is redirected to another officer, then the Officer must inform the Member promptly. If the subject matter of the enquiry comprises sensitive information, then the matter should be referred to the relevant the Head of Service or Chief Operating Officer or Deputy Chief Executive.*
- (2) *When dealing with an enquiry Officers should seek to respond promptly, taking account of the priority given by the Member and their own service priorities:*

<b><i>Priority given by Member</i></b>	<b><i>Usual timescale for response</i></b>
<i><u>Normal</u></i>	<i>Within 10 working days from receipt of request</i>
<i><u>Important</u> (this is where information is needed for a particular time limit)</i>	<i>Within 5 working days from receipt of request</i>

- (3) *If a Member receives an out of office notification from an Officer following an enquiry, the usual timescale for response will not apply to the enquiry, which should be redirected in accordance with the out of office message.*
- (4) *If an Officer cannot reasonably deal with the enquiry within the time limits in (2) above, or if they consider that a Member's enquiry is otherwise unreasonable the Officer will contact the Member concerned to agree an extended time period. If agreement cannot be reached then the Officer will refer the matter to their Head of Service or Chief Operating Officer, Deputy Chief Executive/Chief Executive (as appropriate).*
- (5) *Officers and Members should act reasonably in agreeing timescales.*
- (6) *Officers will keep Members informed about the progress of enquiries.*

## **17. Contact with the Council in personal capacity**

Sometimes Members will request council services as a private individual, rather than in their capacity as a Member. When this happens, the Member should make this clear and make sure that they do not seek to obtain any special advantage as a result of being a Member as failure to do so could be a breach of the Members Code of Conduct.

## **18. Involvement of Ward Members and MPs**

- (1) Information regarding activities in particular Ward should, when appropriate, be copied to the Ward Member(s) and Essex County Council Divisional Member(s) for information. Ward Members should be invited to take part in or attend any public meeting, consultative exercise or launch event organised by the Council concerning a local issue.
- (2) If an Officer calls a meeting upon a local issue with or including Ward Members, the Officer will invite all Members for the Ward(s) in question.

- (3) If any of the Members of Parliament (MP) that represent the City are involved in the local issue, the Officer at their discretion may invite the relevant MP's to the meeting in addition to the Ward Members. If the Officer considers this to be inappropriate for any reason, they may meet the MP separately.
- (4) If a Ward Member calls or requests a meeting upon a local issue at which an Officer or Officers is/are requested to be in attendance, the Officer(s) will be required to attend only if all the Members for the Ward have been invited to attend, or are agreeable to the meeting taking place, and if the subject matter of the meeting is not politically controversial.
- (5) If a MP calls or requests a meeting upon a local issue at which an Officer or Officers is/are requested to be in attendance, the same criteria govern the Officer's attendance as in paragraph (4) above.
- (6) Meetings with Ward Members and/or MP's and/or others are generally private. Officers may confirm the events which occurred at the meeting and the outcome of it with the Members who attended, but will not reveal those matters to other Members or to other political groups except with the specific authority of the Member(s) who attended or called the meeting.

#### **19. Ministerial Visits**

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

#### **20. Procedure for dealing allegations of breaches of this Protocol**

- (1) Any allegations that a Member has not complied with this Protocol may be referred to the Governance and Audit Committee who will determine the issue. One of the Council's Independent Persons appointed under the Localism Act 2011 will be invited to attend and advise the Committee (but not vote).
- (2) Any allegations that an Officer has not complied with this Protocol will be dealt with in accordance with the Council's Human Resources procedures.

#### **21. Review of this Protocol**

- (1) This Protocol will be reviewed annually by the Governance and Audit Committee.



16 December 2025

Report of	Head of Governanace and Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Gifts and Hospitality – Review of Guidance for Councillors and Policy for Employees		
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 The Council provides guidance for councillors regarding any gifts and hospitality received in their role as a councillor. The Council has also adopted a policy for its employees in relation to any gifts and hospitality received. This report requests the Committee to approve updated guidance for councillors and policy for employees.

## 2. Recommended Decisions

- 2.1 To approve the attached Guidance for Councillors regarding Gifts and Hospitality and that it be included in the Constitution.
- 2.2 To approve the attached Gifts and Hospitality Policy for Employees.

## 3. Background

- 3.1 The Gifts and Hospitality Guidance for Councillors and the Policy for Employees were last considered by the Committee at its meeting on 3 December 2024.
- 3.2 The Council adopted the Local Government Association's Model Councillor Code of Conduct from 1 December 2022 which retained the requirement from the previous regime for transparency purposes of the registration and declaration of gifts and hospitality of the value of £50 and above as part of the Councillors Register of Interests. These are published on the Council's website as an integral part of the Committee Management Information System (CMIS). Guidance was produced for Councillors who may be offered gifts and/or hospitality and is included in the Constitution. The Guidance has been reviewed and updated and is attached at Appendix 1 of this report and the Committee is requested to approve the Guidance and to include it in the Constitution.
- 3.3 Council employees are required as part of their terms and conditions of employment to register any gifts and hospitality received in via an online register on the Council's intranet. This register is subject to regular review by the Monitoring Officer. In addition, the register is regularly audited by the Council's internal auditors. The employee's policy on gifts and hospitality is published on the Council's intranet and the opportunity has been taken to review and update the Policy which is attached at Appendix 2. The Committee is requested to approve the Policy.

- 3.4 The Monitoring Officer writes annually to both Councillors and Officers reminding them of their obligation regarding declaring and registering gifts and hospitality.

## 4. Strategic Plan References

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

**5. Publicity Considerations**

5.1 The Constitution is published on the Council's website

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

6.1 None.



# Guidance for Councillors regarding Gifts and Hospitality

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

December 2025

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## **1. Introduction**

- 1.1 The Council's Members' Code of Conduct requires Members and Co-opted Members to include on their Notice of Registerable Interests details of any gift or hospitality received as part of their official duties which may be over the value of fifty pounds. It is also a breach of the Code for a Member to use their position as a Councillor improperly to confer on or secure for themselves or any other person an advantage or disadvantage.
- 1.2 The following guidance aims to assist Members and Co-opted Members in complying with the Members' Code of Conduct but it also goes beyond these basic provisions and seeks to provide wider guidance so Members can avoid situations where their integrity may be caused to be questioned as a result of gifts and hospitality.

## **2. The Legal Position**

- 2.1 The Bribery Act 2010 makes it an offence to offer, promise or give a bribe. The Act also makes it an offence to request, agree to receive, or accept a bribe.
- 2.2 The Act also creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. A corporate offence is committed where a commercial organisation fails to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation.

## **3. General Advice**

- 3.1 Members are advised to treat with extreme caution any offer or gift, favour or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the Member's independence should not be compromised e.g. planning approval. Members should not accept any gifts or hospitality irrespective of value that could give rise to any gain or concern.
- 3.2 The Code requires that Members do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on their part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

## **4. Gifts**

The following rules should be applied:

- 4.1 Other than the exceptions listed in 4.2 (a) and (b) below, a Member should refuse any gift offered to them or to an immediate relative of the Member, by any person who has or may seek to have dealings with the Council. Members must notify the Monitoring Officer of all such refusals as soon as reasonably practicable regardless of the value of the offered gift (unless the gift falls within 4.2 (a) or (b) below). The Monitoring Officer will maintain a record for this purpose.

- 4.2 Members should note that the Members' Code of Conduct requires all gifts and hospitality which exceed fifty pounds in value to be entered on the Members Notice of Registerable Interests which is published on the Council's website. Any gifts or hospitality must be registered within twenty eights days of receipt.

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

- (a) The gift is of purely token, promotional advertising value given to a wide range of people, e.g. pens, key rings and other promotional items. As such promotional gifts will usually be less than fifty pounds in value generally there will be no need to register but in cases of doubt Members should err on the side of caution and register the gift.
  - (b) A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council. Again, because such gifts would be of a small value generally there will be no need to register but in cases of doubt Members should err on the side of caution and register the gift.
- 4.3 A gift to the Council. This is particularly relevant to the Mayor or Deputy Mayor who may receive gifts on behalf of the Council. A separate record of such gifts is maintained by the Civic Officer. Gifts made to the Mayor's charities need not be recorded.
- 4.4 Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the Council and should be registered with the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than the fifty pounds specified in the Members Code of Conduct). The Monitoring Officer in consultation with the Chair of the Governance and Audit Committee will determine whether it is appropriate to retain the gift in question.
- 4.5 Whilst it may be acceptable to accept a token or small gift on one occasion Members should refuse repeated gifts, even if these are individually not of a significant value.
- 4.6 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer as set out in paragraph 4.2 above.
- 4.7 The Code also requires Members to register with the Monitoring Officer any significant gift or hospitality that has been offered but they have refused to accept.

## 5. Hospitality

- 5.1 Increasingly private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that Members' judgement would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality which exceeds fifty pounds is required by the Members Code of Conduct to be registered. However, Members must also notify the Monitoring Officer of hospitality offered but refused and hospitality which is less than the fifty pounds limit specified in the Members' Code of Conduct.
- 5.2 Examples of hospitality which may be acceptable follow, but much may depend on the particular circumstances, e.g. who is providing the hospitality, why the Member is there

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and the nature of the dealings between the Council, the Member and the provider of the hospitality:

- Hospitality provided at a Board meeting of a Council controlled company.
- A working meal provided to allow parties to discuss or to continue to discuss business. (A useful test will often be whether you would provide similar hospitality if the situation was reversed).
- An invitation to attend a dinner or function of a Society, Institute or other non-commercial body with whom the Council has contact.
- Invitations to attend functions where the Member represents the Council (opening ceremonies, public speaking events, conferences)
- An invitation to attend an event which is categorised as a Civic function or reception
- Civic hospitality provided by another Public Authority.

5.3 The following are examples of unacceptable hospitality:

- Holidays, including accommodation and travel arrangements
- Offers of theatre tickets for the Member and their family or free travel
- Personal invitations for evenings out with representatives from a company or firm who have dealings with the council or who are likely to have dealings in the future.

Members are advised to err on the side of caution and if in any doubt as to the integrity of the offer / invite, the Member should consult the Monitoring Officer or refuse.

## **6. Declaration of Gifts or Hospitality at Meetings**

6.1 The Members Code of Conduct requires that any gift or hospitality received and recorded on a Members' Notice of Registerable Interest must be declared by that Member at any meeting for a period of three years from the date of receipt of the gift or hospitality whenever the matter under decision relates to the provider of the gift or hospitality concerned.

## **7. Further advice**

7.1 If any Member has any concerns regarding this Guidance, they must seek advice from the Monitoring Officer.

## **8. Review**

8.1 This Guide will be reviewed annually.





# Gifts and Hospitality Policy for Employees

A guide for Council employees regarding gifts and hospitality received in the course of their duties

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

December 2025

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## 1. Introduction

- 1.1 These guidelines are here to help employees decide whether or not they should accept offers of gifts or hospitality. In local government you need to be very careful to ensure that the public confidence in your own and the Council's integrity cannot be damaged in any way by your actions.
- 1.2 **If you have any doubts about an offer of a gift or form of hospitality you must refuse and seek the advice of your manager, Head of Service or the Monitoring Officer.**

## 2. Gifts

- 2.1 You must be **very careful** when accepting gifts – in some circumstances you could break the law. The general rule is to politely and tactfully refuse offers of gifts from people or organisations who do or might provide work, goods or services to the Council or who seek some decision from the Council – for example, in respect of planning permission.
- 2.2 Gifts of the following type **may** be accepted:
- **Modest** gifts of a promotional character such as calendars, diaries, articles for use in the office.
  - A **small** gift received at Christmas or on the conclusion of a courtesy visit to a factory or firm, or gifts which are presented at civic or ceremonial occasions.
- 2.3 You must appreciate that these exceptions apply only to **modest gifts** and an expensive gift must not be accepted. Again, if you are **in doubt, refuse** the gift and **seek advice** from your manager or Head of Service.
- 2.4 Gifts which are intended for the Council as a corporate body or intended for a service area can be accepted but you **must not** retain these. Such gifts must be given to the Head of Service for the service area concerned or the Chief Executive as appropriate.

## 3. Hospitality

- 3.1 You must use your judgement when accepting an offer of hospitality. You should ask yourself whether members of the public, knowing the facts of the situation, could reasonably think that you might be influenced by the hospitality offered. If the answer is yes, the hospitality should be declined. You should consider:
- the person or organisation offering the hospitality;
  - the scale and nature of the hospitality; and
  - the timing of the hospitality in relation to decisions to be made by the Council.
- 3.2 Some **examples** of situations and circumstances where hospitality might be **acceptable** are:

- 
- Routine meals at establishments used by the local business community, to discuss business, prior to or following such a discussion. A useful test will often be whether you would provide similar hospitality if the situation was reversed.
  - Customary lunches and dinners given at conferences where there are numerous guests and where invitations are formally received and accepted in advance of the conference.
  - Courtesy invitations by major companies providing services to the Council, e.g., Bankers, Insurers etc.
  - Invitations to join other company guests at sponsored cultural, sporting events or other public performances and openings of other special occasions.
  - Civic and ceremonial occasions when accompanying the Mayor.

3.3 Some **examples** of situations and circumstances where hospitality is **unacceptable** are:

- Paid or concessionary holidays or travel.
- Other concessionary rates which are not openly and as a matter of practice, available equally to other organisations.
- Offers of hotel and/or theatre tickets in London (except in circumstances described in 3.2 above).
- The use of company flats or hotel suites.
- Extravagant meals at exclusive venues.
- Frequent hospitality from one source.

3.4 In general, it is usually more acceptable for you to accept hospitality when it is offered to a group rather than something which unique to yourself. You should take greater care if you are offered hospitality when the person or organisation has current dealings with the Council, or such dealings are in prospect.

## 4. Recording Gifts and Hospitality

4.1 **All** gifts and hospitality which you accept **must** be recorded as soon as possible in the online Gifts and Hospitality Register which can be accessed via COLIN. Any gift or hospitality must be countersigned by your manager. The register is inspected regularly by the Monitoring Officer. The register is subject to regular audit by the Council's auditors.

**Access the register:** [Click Here](#)

**It is your personal responsibility for ensuring that your acceptance of hospitality and/or gifts is entered in the record. Any inappropriate receipt of any gift or hospitality could lead to disciplinary action.**

## 5. Review

5.1 This Guide will be reviewed annually.



## Governance and Audit Committee

Item  
8(iv)

16 December 2025

Report of	Head of Governance and Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Guidance for Members on Dispensations		
Wards affected	Not applicable		

### 1. Executive Summary

- 1.1 The Council provides guidance on its process for councillors regarding the granting of dispensations for councillors who, due to an interest under the Members Code of Conduct, are precluded from participating on agenda items.

### 2. Recommended Decision

- 2.1 To approve the attached Guidance for Members and Co-opted Members on Dispensations and that it be included in the Constitution.

### 3. Background

- 3.1 The Localism Act provides that a dispensation may be granted in relation to a Member or a Co-opted Member with a Disclosable Pecuniary Interest only if after having had regard to all relevant circumstances, the Authority considers: –
- (a) that so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would “impede the transaction of the business” ;
  - (b) that without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
  - (c) that the dispensation is in the interests of persons living in the Authority’s area;
  - (d) that without a dispensation, no member of the Cabinet would be able to participate on the matter; or
  - (e) that it is otherwise appropriate to grant a dispensation.
- 3.2 Any grant of a dispensation must specify how long it lasts for, up to maximum of four years.
- 3.3 The Localism Act gives discretion for the power to grant dispensations to be delegated by the Authority to a Committee or a Sub-Committee, or to the Monitoring Officer.
- 3.4 Full Council has delegated:
- (a) the power to grant dispensations on the grounds set out in paragraphs 3.1 (a) and (d) to the Monitoring Officer, with an appeal to the Governance and Audit Committee; and

- (b) the power to grant dispensations on the grounds set out in paragraphs 3.1 (b), (c) and (e) to the Governance and Audit Committee, after consultation with an Independent Person.

3.5 The Guidance for Members and Co-opted Members outlining the process for granting dispensations was last reviewed by the Committee on 4 December 2024. No requests for dispensations have been made since the review. Attached to this report is an updated version of the Guidance. No changes are suggested (with the exception of a biannual review period inserted) and the Guidance remains fit for purpose and the Committee is requested to agree that it be published in the Constitution.

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

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

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

5.1 The Constitution is published on the Council's website

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

6.1 None.



# Guide for Members and Co-opted Members on Dispensations

A guide to the Council's process for granting dispensations to Councillors in certain circumstances.

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**1.0 Introduction**

- 1.1 The Localism Act 2011 (“the Act”) requires all Members (Councillors) and Co-opted Members to register any Disclosable Pecuniary Interests in a public register of interests maintained by the Monitoring Officer.
- 1.2 The Local Government Association’s Model Code of Conduct (“the LGA Code”) which the Council adopted from 1 December 2022 requires that all Members and Co-opted Members to register any Other Registerable Interests in the public register maintained by the Monitoring Officer and to declare any Non-registerable Interests when they arise.
- 1.3 The Act enables a Member or Co-opted Member to participate in Council business in circumstances where they would otherwise be precluded due to a Disclosable Pecuniary Interest recorded in their register of interests if they act in accordance with a dispensation granted by the Authority.
- 1.4 The LGA Code enables a Member or Co-opted Member to participate in Council business in circumstances where they would otherwise be precluded due to an Other Registerable Interest recorded in their register of interests or a Non-registerable Interest if they act in accordance with a dispensation granted by the Authority.
- 1.5 If a Member or Co-opted Member acts in accordance with a dispensation granted to them, any participation in business of the Council that would otherwise be prohibited:
- (a) by the Act i.e. the Member has a Disclosable Pecuniary Interest, is not treated as a criminal offence under the Act; or
  - (b) by the LGA Code, is not treated as a failure to comply with the LGA Code.

**2.0 In what circumstances may the Authority grant a dispensation?**

- 2.1 The Act provides that a dispensation may be granted to a Member or a Co-opted Member who has a Disclosable Pecuniary Interest, only if after having had regard to all relevant circumstances, the Authority considers: –
- (a) so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that without the dispensation it would “impede the transaction of the business” i.e. not be quorate;
  - (b) that without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter;
  - (c) that the granting of the dispensation is in the interests of persons living in the Authority’s area;
  - (d) that without the dispensation, no member of the Cabinet would be able to participate on the matter; or

- (e) that it is otherwise appropriate to grant a dispensation.

The same criteria is applied by the LGA Code but in relation to Other Registerable Interests and Non-registerable Interests.

### **3.0 How will the Authority consider a request for a dispensation?**

- 3.1 When determining a request, the Authority must have due regard to the matters mentioned in paragraph 2.1 above, the Member's or Co-opted Member's written request, and to all relevant circumstances of the case as to whether it is appropriate to grant the dispensation.
- 3.2 The granting of a dispensation is discretionary and there is no obligation on the Authority to grant one.
- 3.3 If granted, the details of the dispensation will be entered into a register of dispensations which will be maintained by the Monitoring Officer on behalf of the Governance and Audit Committee and will be open to public inspection. This register will be kept with the Register of Members Interests also maintained by the Monitoring Officer.
- 3.4 Full Council at its meeting on 25 June 2012 agreed that:-
- Requests for dispensations relating to grounds (a) and (d) referred to at paragraph 2.1 above will be considered by the Monitoring Officer (or by an officer duly authorised by the Monitoring Officer in that regard); and
  - Requests for dispensations relating to grounds (b) (c) and (e) will be considered by the Governance and Audit Committee.

### **4.0 Circumstances in which the Authority may not grant a dispensation**

- 4.1 The Authority cannot grant a dispensation to:-
- (a) allow a member of an Overview and Scrutiny Committee to participate in the scrutiny of a decision made by any body of which that person was a member at the time the decision was taken; or
- (b) allow an individual Cabinet member to exercise executive functions solely; i.e. where a portfolio holder makes a decision pursuant to the Cabinet Scheme of Delegation.

### **5.0 How long will a dispensation last?**

- 5.1 Once granted, a Member or a Co-opted Member can rely on the dispensation for the period specified by the Authority up to a maximum of four years from the date of its grant.

**6.0 Declaring the existence of a dispensation**

- 6.1 Following the granting of a dispensation, it is the responsibility of the individual Member or Co-opted Member to declare the existence and nature of the dispensation at every meeting of the Authority where the business to be transacted relates to the dispensation.

**7.0 How to apply for a dispensation**

- 7.1 All requests for a dispensation must be made individually in writing by a Member or Co-opted Member and must specify why the Authority should consider granting a dispensation and must address the points mentioned at paragraph 2.1 above. A form is attached to this Guidance for Members use.
- 7.2 All requests for a dispensation in relation to grounds (a) and (d) referred to in paragraph 2.1 above must be made at least one clear working day ahead of the meeting for which it is requested. This is to enable the appropriate officer to consider the request.
- 7.3 All requests for a dispensation in relation to grounds (b) (c) and (e) referred to in paragraph 2.1 above must be made at least ten clear working days ahead of the meeting for which it is being requested. This is to enable the Governance and Audit Committee itself to be convened in accordance with the statutory notice requirements under the Local Government Act 1972.
- 7.4 All requests for a dispensation must be emailed to the Monitoring Officer [andrew.weavers@colchester.gov.uk](mailto:andrew.weavers@colchester.gov.uk)

**8.0 Review**

- 8.1 This guidance will be reviewed biannually.

**Colchester City Council  
Governance and Audit Committee**

**Dispensation request form**

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying guidance. If you need any help completing this form, please contact the Monitoring Officer.

Your name	
Decision making body in which you require a dispensation	
Details of your membership of that body	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	
Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)	

Signed: ..... Dated: .....

Please send completed form to the Monitoring Officer by e-mail at [andrew.weavers@colchester.gov.uk](mailto:andrew.weavers@colchester.gov.uk)

16 December 2025

Report of	Head of Governance and Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Guidance for Councillors and Officers on Outside Bodies		
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 The Council provides guidance for councillors and officers who are appointed by it to outside bodies and their respective roles and responsibilities.

## 2. Decision(s) Required

- 2.1 To approve the attached Guidance for Councillors and Officers on Outside Bodies and that it be included within the Constitution.
- 2.2 That all Councillors and Officers who are appointed to serve on outside bodies be provided with a copy of the Guidance.

## 3. Background

- 3.1 The Council has for several years provided guidance to Councillors and officers who are nominated by Cabinet to serve on outside bodies. Nominations are usually for a period of one year and can be to a variety of organisations which can have differing legal status. The existing Guidance was last reviewed by this committee on 3 December 2024. The guidance has been reviewed and the only substantive change has been the inclusion of the recent legal requirement for persons who act as directors to verify their identity at Companies House, otherwise it remains fit for purpose.
- 3.2 Councillors and in some circumstances officers, are initially appointed to outside bodies to represent the Council however along with the appointment comes potential liability in other capacities. For example, if a Councillor is appointed to the board of a company they become a director of that company and with that comes the responsibilities of a company director including their fiduciary duty to the company which must take priority to their responsibility back to the Council. The Guidance attached to this report seeks to provide advice the Councillors in these situations.
- 3.3 The Guidance also provides advice for Councillors and officers in relation to the law and practical advice to situations that they could find themselves in having been appointed to an outside body.
- 3.4 It is suggested that the Guidance be provided to all Councillors and officers who are nominated to outside bodies and that it be included in the Constitution.

## 4. Strategic Plan References

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

**5. Publicity Considerations**

5.1 The Constitution is available on the Council's website.

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

6.1 None.



Colchester  
City Council

# Guidance for Councillors and Officers on Outside Bodies

A guide to the law for Councillors and Officers who are appointed to represent Colchester City Council on another body

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

December 2025

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## GUIDANCE FOR MEMBERS ON OUTSIDE BODIES

This advice is for Councillors and officers who represent the Council on organisations outside the Council, whether as company director, trustee of a charity or a representative on a management committee. It simply sets out some of the most important responsibilities. It is not meant to be a comprehensive guide. If Councillors or officers have queries, then they must contact the Monitoring Officer for advice.

### 1.0 Introduction

Councillors are appointed formally by the Council annually to serve on a range of outside bodies, including voluntary organisations, local government associations and other organisations.

In performing that role, Councillors can act as individuals, representatives of the Council, directors or trustees. There are both positive and negative aspects to the role:

a) **Positive**

- acting according to the rules, constitution and framework set by the outside body;
- making independent and personal judgements in line with their duty of care to the outside body;
- reporting back, at least annually, to the Council or relevant committee;
- behaving ethically and following as far as applicable the Members' Code of Conduct; and
- taking an active and informed role in the management of the outside body's affairs.

b) **Negative**

- not representing the political party to which Councillors owe their political loyalty;
- not avoiding taking part in the outside body's discussions and decisions;
- not looking at things simply from the Council's perspective; and
- not being there in name only and merely turning up to meetings.

The role of Councillors on outside bodies may give rise to occasional uncertainty and perhaps conflicts of interest. This Guidance offers a simple legal guide on the responsibilities of Councillors and officers. Councillors are asked to read this

guidance and if there are issues arising from their particular situation at any time, to contact the Monitoring Officer for advice.

Councillors (and officers) are under a specific obligation as a result of the Local Authorities (Companies) Order 1995 to report back to the Council on their involvement in outside companies to which they have been nominated by the Council. That obligation is best met by an annual report to the relevant Portfolio Holder. While the law makes this a requirement for involvement in outside companies, it is self-evident that the requirement to report back should apply to involvement in all outside bodies.

This guidance and the Members' Code of Conduct addresses some of the issues around the possibility of conflicts of interest. **In essence, if the outside body (including Council owned companies) comes into conflict with the Council and the Councillor is a director or on the management committee of the outside body, the Councillor's prime duty would be to the outside body in the conduct of the outside body's affairs.**

If there is a major dispute between the Council and the outside body, then the Councillor may be placed in an untenable situation. Before taking precipitate action, the Councillor is advised to seek advice from either the Chief Executive or the Monitoring Officer.

In certain circumstances, it is possible that the Councillor may find he/she is unable adequately to carry out their responsibilities properly, both as a Member of the Council and as a member or director of the outside body. It is suggested that this would be an exception and should not deflect Councillors generally from being prepared to participate in the management and running of outside organisations.

## 2.0 General

- (1) There are some general provisions which apply to Councillors and officers who act in the role of company director, trustee or member of an incorporated body, such as a Council controlled company, the committee of management of an unincorporated voluntary organisation.
- (2) Councillors are under a duty to exercise independent judgment in the interest of the organisation in which they are involved. Whilst it is recognised that Councillors and officers may have a commitment to representing the Council on the outside organisation, they must be aware that it is their responsibility to decide what view to take on any question before that organisation. Where a Councillor or officer is partaking in an outside organisation in a representative capacity, he/she must declare that fact to the organisation. There will be a fine line to tread between his/her duty to the organisation and to the Council.
- (3) The bottom line is that in the end, the Councillor or officer in acting as a director, trustee or member of a management committee of an organisation, must act in accordance with the interests of that organisation. A mandate from the Council to vote one way or the other would put the Councillor or officer in breach of the duty to the organisation. It is permissible to take account of the Council's wishes, but not to vote simply in accordance with them. **The overriding duty in considering an item before the outside organisation is to vote in accordance with the interests of that organisation.** This also applies to nominations to the Boards of Council owned companies.
- (4) Councillors and officers must also ensure that avoidable loss is not incurred in managing the organisation. They cannot avoid this responsibility by not reading the papers or failing to ask for appropriate reports. They will be expected to seek professional advice where appropriate.

## 3.0 Companies

- (1) On incorporation a company becomes a separate legal entity which can hold property in its own right, enter into contracts and sue and be sued in its own name. The company is distinct from its shareholders and members. In the case of a limited liability company, the liability of members of the company is limited to the amount they paid or agreed to pay when they joined the company. This can be as little as £1.
- (2) Companies limited by shares are those which have share capital (e.g. 1000 shares of £1 each). Each member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold. Companies limited by guarantee are those where there is no shareholding. Instead each member agrees that in the event of the company being wound up they will agree to pay a certain amount. This may also be as little as £1. This form of company is the most usual in the public and voluntary sector particularly where charitable status is sought.

- (3) The management of a company is generally the responsibility of a board of directors. The powers of the directors are usually set out in the company's Articles of Association (the rules each company has to govern its internal management). Sometimes even though a company has been incorporated the directors may be referred to as members of the management committee, governors or trustees. However, this does not change their status as directors. Conversely, sometimes officials are called directors, but they are not members of the board. Again, their status will not be affected. Directors are those who are appointed by the company to act in that capacity.

### 3.1 Directors' Duties

- (1) A director is an agent of the company. There are 7 statutory duties owed by a director to a company and these form the basis of what being a company director is all about.

#### Statutory duties of a company director

To act within powers	<ul style="list-style-type: none"> <li>• Must act in accordance with the company's Articles of Association at all times</li> </ul>
To promote the success of the company	<ul style="list-style-type: none"> <li>• Must act in good faith to promote success of the company for benefit of shareholder</li> <li>• Board decisions to be made in best interests of the company</li> </ul>
Exercise independent judgement	<ul style="list-style-type: none"> <li>• Make informed decisions on the company's activities</li> <li>• Not to simply implement requirements of shareholder</li> </ul>
Exercise reasonable care, skill and diligence	<ul style="list-style-type: none"> <li>• What is expected of a reasonably diligent person with general knowledge, skill and experience carrying out directors' functions.</li> </ul>
Avoiding conflicts of interests	<ul style="list-style-type: none"> <li>• Avoid or manage conflicts of interest which may affect objectivity</li> </ul>
Not to accept benefits from third parties	<ul style="list-style-type: none"> <li>• Not accepting a benefit from a third party due to being a director of the company</li> </ul>
Declare interest in proposed transaction or arrangement	<ul style="list-style-type: none"> <li>• Declare any direct or indirect interest in any proposed transaction or arrangement with the company</li> </ul>

- (2) It is a legal requirement that any person who acts a director verifies their identity for Companies House. Failure to do so is an offence. Please see link below:

[Verifying your identity for Companies House - GOV.UK](#)

### **3.2 Directors' Liabilities**

- (1) The company's identity must clearly be shown on its stationery. The company number, place of registration, registered office address and if any of the directors' names are shown then they must all appear. Non-compliance is an offence and the directors and company officers can be fined.
- (2) A company can only act within the scope set out in its Articles of Association. Any director knowingly causing the company to act beyond the activities set out in the Articles could be liable personally. In very limited circumstances it is possible for the actions of the directors to be ratified by the members of the company.
- (3) A director may also be liable for breach of trust, if they misapply the money or property of the company. Directors may also be liable if they fail to take action to prevent the breach of a co-director of which they are aware.
- (4) In the event of failure to act in accordance with the best interests of the company, or if a director uses their powers improperly or makes a personal profit from their position as director, then the director may be personally liable for loss to the company and may be required to give the company the personal profit made.
- (5) If the level of skill and care shown by a director falls below that which could be reasonably expected and the company suffers loss, the director will be liable for the loss incurred. However, if it believes the director acted honestly and reasonably, a Court may excuse the director the liability.
- (6) If a director knows or ought to know that there is no reasonable prospect of the company avoiding liquidation, a Court may require that director to contribute to the company's assets on liquidation if the company continues to trade. This is known as wrongful trading. No such order will be made if the Court is satisfied that the director took all reasonable steps to minimise the loss to the creditors. If a director has concerns about the company's financial position, they would be well advised to inform the other directors and seek advice from the company auditors. They should try to ensure that further debts are not incurred.
- (7) A director will also be liable if to their knowledge the company carries on business with intent to defraud creditors or any other person, or for any other fraudulent purpose. Fraudulent trading can also lead to disqualification from action as a director.
- (8) All cheques and similar documents which purport to be signed on behalf of the company must bear the company name. Where they do not, the director signing on behalf of the company may be liable to a fine and may also be liable to the payee if the company fails to honour the cheque. It is therefore wise for directors to make

sure that all documents they sign on behalf of the company state very clearly that they act as agent for the company (e.g. Director, for and on behalf of ...).

- (9) A third party who enters into a contract on the assumption that a director has power to bind the company, may be able to claim damages against the director if it subsequently transpires that the director had no such power. Directors would be well advised to ensure that contracts are approved by the board and that the authority to enter into any contract has been properly delegated before signing it.
- (10) Though company liability ceases on dissolution the liability of the directors (if any) may still be enforced after dissolution.

### 3.3 Indemnities

- (1) Directors cannot be indemnified against liability arising out of negligence, default or breach of duty or trust. However, the company's Articles of Association may allow for directors to be indemnified by the company in respect of the cost of defending such proceedings if the director is granted relief by the Court or acquitted. **It is lawful for companies to purchase insurance to protect its directors against claims of negligence, breach of duty, trust, default. Directors would be well advised to ensure that such a policy of insurance is maintained at all times.**
- (2) It is not possible for the Council to provide indemnities or insurance for Councillors acting as directors, except in a few circumstances outlined in Section 5 below.

### 3.4 Local Authorities (Companies) Order 1995

- (1) This Order sets out rules concerning local authorities' involvement in "regulated companies" which are subject to extensive controls, and their involvement in other companies where a number of rules apply.
- (2) "Regulated companies" are so defined if they are controlled or influenced by the local authority e.g. Colchester Commercial (Holdings) Limited and Colchester Borough Homes Limited. "Influenced companies", under the effective control of the local authority, will be subject to capital finance regime and special propriety controls. In broad terms, the test as to whether companies are local authority influenced is whether the local authority has the right to or in fact does exercise a dominant influence over the company in question.
- (3) The original concept of controlled, influenced and minority interests in companies was introduced by the 1989 Act. "Influenced" means at least 20% local authority interest plus a business relationship with the company accounting for over 50% of the company's turnover and/or the company was located on local authority land leased or sold for less than best consideration. "Controlled" means over 50% local authority interests, and "minority" less than 20% interest. The concept in the 1989 Act stands, but the Order introduces the term "regulated".
- (4) Councillors who are directors of outside companies to which they have been nominated by the Council are under the following obligations: -

- (a) that the remuneration they receive from the company should not exceed that received from the local authority, and should be declared
- (b) to give information to Councillors about their activities as required by the local authority (save for confidential information); and
- (c) to cease to be a director immediately upon disqualification as a Councillor

## 4. Charities

- (1) To be a charity an organisation must operate for a charitable purpose; i.e.:
  - the relief of poverty and human suffering
  - the advancement of education
  - the advancement of religion
  - another purpose for the benefit of the community
- (2) It must operate for the public benefit and have exclusively charitable purposes. An organisation which operates for political purposes will not qualify for charitable status.
- (3) To register as a charity the organisation must submit its Trust Deed (usually the Articles of Association of a company limited by guarantee) to the Charity Commission for approval. If they are satisfied that the organisation is charitable, it will be registered as such.
- (4) Those who are responsible for the control and administration of a charity are referred to as its trustees, even where the organisation is a company limited by guarantee even though they are not strictly trustees. Trustees of a charity retain personal liability and can only delegate if the trust deed authorises them so to do.

### 4.1 Trustees' Duties

- (1) Trustees must take care to act in accordance with the Trust Deed and to protect the charity's assets. They are also responsible for compliance with the Charities Acts.
- (2) Trustees must not make a private profit from their position. They must also perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.
- (3) Charitable trustees must ensure that the information relating to the trust and trustees is registered with the Charity Commission and that annual accounts and returns are completed and sent.
- (4) If charitable income exceeds £5,000, the letters, adverts, cheques etc must bear a statement that the organisation is a registered charity.
- (5) Trustees are under a duty to ensure compliance with all relevant legislation (e.g. in relation to tax matters).

## 4.2 Trustees' Personal Liability

- (1) If in doubt, always consult the Charity Commission. A trustee who does so will avoid personal liability for breach of trust if they act in accordance with the advice given.
- (2) Generally, though, a trustee incurs personal liability if they: -
  - acts outside the scope of the trust deed
  - falls below the required standard of care
  - makes a personal profit from the trust assets
- (3) In such circumstances the trustee will incur personal liability for losses incurred.
- (4) Trustees can be liable personally to third parties because unlike a company, a trust has no separate identity from the trustees. Trustees are, however, entitled to an indemnity from the trust assets, provided they act properly in incurring the liability. Trustees remain personally liable once they retire (e.g. if they have entered into a contract on behalf of the trust) and should therefore seek an indemnity from their successors. If the charity is a company however the trustees for the time will be responsible.
- (5) Trustees may be liable to fines if they do not comply with the duty to make returns etc.

## 4.3 Indemnities

An indemnity can be given from the trust fund provided the trustee has acted properly and within their powers. Trustees may take out insurance to protect themselves against personal liability but not for criminal acts, fraud, etc. There will be no problem if the trustees themselves pay the premiums but if they are paid out of the charitable funds the trustees will need the consent of the Charity Commission unless the trust deed allows it.

## 5. Management Committees

### 5.1 Unincorporated Associations

- (1) Groups which are not charitable trusts or limited companies are "unincorporated associations" and have no separate legal identity from their members. The rules governing the members' duties and liability will be set out in constitution, which is simply an agreement between the members as to how the organisation will operate. Usually, the constitution will provide for a Management Committee to be responsible for the everyday running of the organisation. An unincorporated organisation may be charitable and may register as a charity.
- (2) Property will have to be held by individuals as the organisation has no existence of its own.

## 5.2 Duties

Broadly, Management Committee members must act within the constitution, and must take reasonable care in exercising their powers.

## 5.3 Liabilities

- (1) Generally, the Management Committee members are liable for the acts of the organisation but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the Committee members are personally liable for the shortfall.
- (2) If one person is appointed by the constitution to act as the agent of the organisation for certain purposes, then that person acts as the agent of all the members, who have joint liability for the agent's actions.
- (3) Management Committee Members will have personal liability if they act outside the authority given to them or if they do not comply with statute e.g. payment of employees' tax etc.

## 5.4 Indemnities

Members will be entitled to an indemnity if they act in accordance with the constitution and are not at fault. It is possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the constitution.

## 6. Insurance Indemnity provided by the Council

The Council's insurance cover only operates when Councillors are pursuing their Council duties. Generally, whilst the Council appoints Councillors to outside bodies, once appointed they act as members of the body rather than as Councillors.

In most cases where a Councillor is acting as a Director or as a Trustee, or indeed as a member of a Management Committee, he or she will be exercising judgement on behalf of the organisation and will therefore need to ensure indemnity is obtained from that organisation.

However, where the organisation is a joint committee of two or more local authorities, the City Council can provide indemnity.

Further, where the Councillor is clearly representing the Authority's interests as an observer or as an advisor, then the City Council can again provide indemnity.

If in doubt Councillors should seek advice from the Monitoring Officer.





# Governance and Audit Committee

Item  
8(vi)

16 December 2025

Report of	Head of Governance and Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Amendment to the Constitution		
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 This report details a change to the Constitution following recommendations from the Scrutiny Panel and Full Council.

## 2. Recommended Decisions

- 2.1 To endorse the proposed change by the Leader of the Council to the Leaders Scheme of Delegation to Cabinet Members as detailed at paragraph 3.5 below.

## 3. Background

- 3.1 At the Scrutiny Panel meeting on 10 September 2025 the Chairman raised the matter regarding the Council's expression of interest in the potential development of a new town to the West of Colchester, which had not gone via the Local Plan process. This expression of interest had been made by the Council so as to learn more about the implications but had been withdrawn when it was ascertained that the housing would not count towards the local housing numbers target. The Panel accepted the Leader of the Council's assurance that changes will be made to the process in the future.
- 3.2 The Panel recommended to Cabinet "that elected members be informed and consulted regarding any future potential large-scale projects affecting their wards at as early a stage as possible". Cabinet subsequently agreed this recommendation at its meeting on 22 October 2025.
- 3.4 At the Full Council meeting on 15 October 2025 a motion was debated on the same subject seeking to establish a process to deal with similar issues in the future. The motion was amended in the course of the meeting, but the final agreed wording of the motion specified that Governance and Audit Committee should be consulted upon the changes to governance processes to prevent this happening again.
- 3.5 The Leader of the Council following consultation with the Monitoring Officer agreed that the Leaders Scheme of Delegation to Cabinet Members in the Constitution should be amended with the following additional provision being added to the delegation to all Cabinet Members:

*"To respond to any proposals, invitations or requests in relation to any future potential large-scale projects within their portfolio, provided that the relevant ward councillors and appropriate Committee Chair have been informed and consulted prior to any formal decision being made."*

- 3.6 This provision reflects the recommendation from the Scrutiny Panel and will ensure that in future any proposals will be the subject of prior consultation with ward councillors and the relevant Committee chair prior to any formal portfolio holder decision being made. This will enable any such decision to be subject to call-in and will, in the same manner as any other

formal decision be subject to the urgency provisions. It considered that whilst adding a further layer of governance, it is proportionate and will provide the reassurance sought by the Scrutiny Panel and agreed by Cabinet and the motion of Full Council.

**4. Strategic Plan References**

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

**5. Publicity Considerations**

- 5.1 The Constitution is published on the Council's website

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

- 5.1 None.



## Governance & Audit Committee

Item  
**9(i)**

16 December 2025

<b>Report of</b>	<b>Simon Coward, Managing Director Colchester Commercial (Holdings) Ltd</b>	<b>Author</b>	<b>Simon Coward</b>
<b>Title</b>	<b>Amphora Draft Accounts 24/25</b>		
<b>Wards affected</b>	<b>All Wards</b>		

### 1. Executive Summary

- 1.1 This report focuses on Amphora Connect (ie Colchester Fibre), Amphora Events (ie Colchester Fibre) and Helpline – all key services within Colchester Amphora Trading Ltd (CATL). The Amphora Growth & Finance Update 2025/26 is also written within the context of Local Government Reform (LGR). These Amphora Growth & Finance Updates are presented to and reviewed by the Governance and Audit Committee annually, as its Shareholding Committee. The Governance & Audit Committee are asked to review the Amphora Growth & Finance Update 2025/26 and make recommendations to Cabinet to approve Amphora’s continued financial management and growth plans.
- 1.2 This report also reminds the Shareholder Committee of the governance arrangements that the Council has in place in order to monitor and review the activities of the companies.
- 1.3 The Amphora Growth & Finance Update has been drawn together by Amphora’s fourth Managing Director (Simon Coward, since May 2024) and sits within Amphora’s Growth Strategy 2025-30 as approved by the Council in June 2025. It should be noted that following the CIPFA review Colchester Amphora Energy (CAEL) and Colchester Amphora Homes (CAHL) have now been hibernated. This led to the remainder of the company being restructured, focussing primarily on the successful services run by Colchester Trading Ltd – Amphora Connect, Amphora Events and Helpline (including CCTV).

### 2. Recommended Decisions

- 2.1 To review, and make recommendations to Cabinet on, the Amphora Growth & Finance Update 2025/26 – within the context of the approved Amphora Growth Strategy 2025-30. With specific review of:
  - Unaudited Accounts 2024/25 & Draft Annual Report 2024/25

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

#### **3.1 Unaudited Accounts 2024/25 (Appendix 1)**

- Amphora's Finance Manager has been working with Amphora's new Auditor – Affinia to complete the external audit of the 2024/25 Accounts ahead of previous years target completion dates

### **4. Alternative Options**

- 4.1 No alternative options are provided due to the required role of the Committee as shareholder, set out above and the ability to recommend with or without changes.

### **5. Background Information**

#### **5.1 Company Origins**

- 5.1.1 The Localism Act 2011 enabled local authorities to undertake activities designed to make a profit, but only if delivered within a trading company structure. Using these powers, the Council established wholly owned companies that were incorporated under the Companies Act 2006 on 1 June 2017 and began operating from 1 April 2018.
- 5.1.2 The original Business Plans covered a three-year period from 2018-21 and reflected the Council's aim to create a commercial approach to activities that could deliver some services and products directly, whilst generating profits that would be reinvested in the Council to help continue to deliver non-profitmaking services with social value. This public sector ethos, at the heart of the companies, remains a core purpose that will be increasingly important as the City, Council and companies all adapt to the forthcoming Local Government Reform (LGR). The latest Amphora Growth Strategy for 2025-30 was approved by the Council in June 25.
- 5.1.3 Three subsidiary companies, each with distinct areas of trading, were also formed:
- Colchester Amphora Energy Ltd (CAEL) – now hibernated
  - Colchester Amphora Homes Ltd (CAHL) – now hibernated
  - Colchester Amphora Trading Ltd (CATL)

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

- 6.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.2 The recommendations will have no disproportionate impact on any protected group.

## **7. Strategic Plan References**

7.1 Governance is integral to the delivery of the Strategic Plan's priorities and direction for the City as set out in that Plan. The activities of the Council's companies contribute to most of the Strategic Plan priorities.

## **8. Consultation**

8.1 There is no specific consultation requirement generated in relation to this Report. The Amphora Growth & Finance Update 2025/26 is considered by the Governance & Audit Committee in their role as shareholder prior to them being put before Cabinet for approval, providing consultation and a chance to comment and make recommendation on the Updates.

## **9. Publicity Considerations**

9.1 There is no specific publicity consideration in relation to this Report. Individual activities of the companies that require public consultation will undertake them at appropriate times, by stakeholder engagement workshops, planning application consultations, press releases and Council reports.

## **10. Financial implications**

10.1 See Appendices 1 and 2 for detailed financial accounts.

Over the last decade we have seen substantial cuts to Local Government funding, which have led to significant financial challenges for the sector. We need to be mindful of all spend and manage, as best as possible, within existing budget envelopes and mitigate potential overspends. This challenge will be just as prominent in 2025/26 particularly with the advent of Local Government Reform over the next two years and we need to continue to ensure financial resilience is a critical part of decision-making.

The expectation from the section 151 officer is the Amphora team and CCHL / CATL Boards will work with finance business partners - through Shareholder Officer Reviews / Board Meetings - to find options and solutions to achieve the agreed financial performance targets, cognisant that there are likely to be some external financial pressures which are outside of our control.

Amphora's draft Growth Strategy (including 5 year forecast) has been shared with the previous and new section 151 officer. A technical review is underway of the approved Growth Strategy and 5 year forecast, to ensure alignment to the Council's financial objectives and to ensure it is sufficiently robust.

## **11. Health, Wellbeing and Community Safety Implications**

11.1 Health and wellbeing is influenced by several factors, many of which fall under the responsibility of the Council. The Company activities span various aspects and assist the

Council to do all it reasonably can to promote positive health benefits to our residents; whilst reducing, removing, or minimising any unintended consequences to health that may arise from services or decisions – these can be found in plans for Amphora Connect (ie Colchester Fibre), Amphora Events (ie Colchester Events), Helpline (including CCTV).

## **12. Health and Safety Implications**

- 12.1 The matters herein do not result in harm to the health and safety of the general public. The work of the companies has individual health and safety requirements relevant to each activity. For example, events operations are managed on site in accordance with a number of relevant health and safety regulations.

## **13. Risk Management Implications**

- 13.1 CCHL (Colchester Commercial Holdings Ltd) and CATL (Colchester Amphora Trading Ltd) both have a risk register that is actively managed. Each of the subsidiary companies have their own risk registers. All the companies have a Business Continuity Plan.

## **14. Environmental and Sustainability Implications**

- 14.1 None to note

## **15. Devolution and Local Government Reorganisation Implications**

- 15.1 The Amphora Growth & Finance Updates consider the potential challenges and opportunities resulting from Devolution and Local Government Reorganisation.

## **Appendices**

**Confidential:** Appendix 1 – Unaudited Accounts 2024/25



## Governance and Audit Committee

Item  
**10**

16 December 2025

<b>Report of</b>	<b>Chief Operating Officer</b>	<b>Author</b>	<b>Matthew Evans</b>
<b>Title</b>	<b>Work Programme 2025-2026</b>		<b>☎ ext. 8006</b>
<b>Wards affected</b>	Not applicable		

### 1. Executive Summary

- 1.1 This report sets out the current Work Programme 2025-2026 for the Governance and Audit Committee. This provides details of the reports that are scheduled for each meeting during the municipal year.
- 1.2 The attention of the Committee is drawn to the additional meeting which had been scheduled for 24 February 2026 to accommodate the approval of the statement of accounts, and the movement of the Q3 Budget Monitoring report to this meeting.

### 2. Recommended Decision

- 2.1 The Committee is asked to note the contents of the Work Programme for 2025-2026.

### 3. Reason for Recommended Decision

- 3.1 The Work Programme of this Committee is kept under review throughout the municipal year to ensure that business is progressed and Members have the opportunity to review upcoming agenda items.

### 4. Alternative Options

- 4.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

### 5. Background Information

- 5.1 The Governance and Audit Committee deals with the approval of the Council's Statement of Accounts, audit, other miscellaneous regulatory matters and standards.

5.2 The Committee's Work Programme will evolve as the Municipal Year progresses and items of business are commenced and concluded. At each meeting the opportunity is taken for the Work Programme to be reviewed and, if necessary, amended according to current circumstances.

## 6. Standard References

6.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety, environmental and sustainability implications or risk management implications.

## 7. Strategic Plan References

7.1 Governance is integral to the delivery of the Strategic Plan's priorities and direction for the Borough as set out under the four themes of growth, responsibility, opportunity and wellbeing.

7.2 The Council recognises that effective local government relies on establishing and maintaining the public's confidence, and that setting high standards of self-governance provides a clear and demonstrable lead. Effective governance underpins the implementation and application of all aspects of the Council's work.

## Governance and Audit Committee – work programme 2025-26

### Core functions

The core functions of the Governance and Audit Committee are to provide oversight of a range of core governance and accountability arrangements, responses to the recommendations of assurance providers and helping to ensure robust arrangements are maintained.

The core functions are split over three areas:

- Maintenance of governance, risk and control arrangements (**GR&C**)
- Financial and governance reporting (**FGR**)
- Establishing appropriate and effective arrangements for audit and assurance (**A&A**)

In addition, the Committee is also responsible for:

**Shareholder** Committee for Council owned companies;

Member Conduct and **Standards**;

**Miscellaneous** Matters.

<b>Governance and Audit Committee</b>	
<b>Meeting date / Agenda items</b>	
<b>Governance and Audit Committee – 17 June 2025</b>	
<p><b>Shareholder</b></p> <ol style="list-style-type: none"> <li>Social Housing – Landlord Performance for Quarter 4 2024-25</li> </ol> <p><b>Core</b></p> <ol style="list-style-type: none"> <li>Polling District and Polling Place Review</li> <li>Year End Internal Audit Assurance Report 2024/25</li> <li>External Audit progress verbal update</li> <li>Treasury Management Outturn/performance 2024/25</li> <li>2024/25 Outturn</li> </ol>	<p><b>GR&amp;C</b> <b>A&amp;A</b> <b>FGR</b> <b>A&amp;A</b></p>
<b>Governance and Audit Committee – 29 July 2025</b>	
<p><b>Core</b></p> <ol style="list-style-type: none"> <li>Year End Review of Risk Management</li> <li>Governance &amp; Audit Committee Performance Report 2024/25</li> <li><del>CIPFA Audit Committee review update</del> (To be reported on later in the year)</li> <li>2024/25 Draft Statement of Accounts</li> </ol>	<p><b>GR&amp;C</b> <b>A&amp;A</b> <b>A&amp;A</b> <b>FGR</b></p>
<b>Governance and Audit Committee - 9 September 2025</b>	
<p><b>Landlord Social Housing</b></p> <ol style="list-style-type: none"> <li>Social Housing – Landlord Performance for Quarter 1 2025-26</li> </ol> <p><b>Core</b></p> <ol style="list-style-type: none"> <li><del>Review of the Governance Framework and Draft Annual Governance Statement</del> Dealt with at 29 July meeting.</li> <li>Q1 Budget Monitoring Report 2025/26</li> <li>Q1 Treasury Management Update 2025/26</li> <li>Local Government and Social Care Ombudsman Annual Review 2024/2025</li> <li><del>Capital Strategy 2024/25 to 2026/27</del> Will be presented to Cabinet as part of budget setting.</li> </ol>	<p><b>FGR</b> <b>FGR</b> <b>FGR</b> <b>FGR</b> <b>GR&amp;C</b></p>

Governance and Audit Committee – <b>21 October 2025</b>	
<p><b>Shareholder</b></p> <ol style="list-style-type: none"> <li>1. Colchester Borough Homes Annual Governance Statement</li> <li>2. Amphora Growth &amp; Financial Update</li> <li>3. <del>Colchester Commercial (Holdings) Limited audited accounts 2024/2025</del></li> <li>4. <del>Colchester Commercial (Holdings) Limited Annual Report 2024/2025</del></li> <li>5. <del>Colchester Commercial (Holdings) Limited 6-month performance</del></li> </ol>	
Governance and Audit Committee – <b>18 November 2025</b>	
<p><b>Shareholder</b></p> <ol style="list-style-type: none"> <li>1. Social Housing – Landlord Performance for Quarter 2 2025-26</li> <li>2. <del>Amphora Growth &amp; Financial Update</del> Moved to 16 December 2025</li> <li>3. <del>Colchester Commercial (Holdings) Limited 2025/2026 growth update</del></li> <li>4. <del>Colchester Commercial (Holdings) Limited Growth Plans</del></li> <li>5. <del>Colchester Commercial (Holdings) Limited audited accounts 2024/2025</del></li> </ol> <p><b>Core</b></p> <ol style="list-style-type: none"> <li>6. Q2 Budget Monitoring Report 2025/2026</li> <li>7. Q2 Treasury Management Update 2025/2026</li> <li>8. HRA Depreciation Review</li> <li>9. Interim Annual Auditor Report and progress update</li> </ol>	<p>FGR FGR FGR FGR</p>
Governance and Audit Committee – <b>16 December 2025</b>	
<p><b>Core</b></p> <ol style="list-style-type: none"> <li>1. Mid-Year Internal Audit Assurance Report 2024/2025</li> <li>2. Local Government and Social Care Ombudsman Annual Review 2024/2025</li> <li>3. Review of the Council’s Ethical Governance Policies</li> <li>4. Review of Local Code of Corporate Governance</li> </ol> <p><b>Standards</b></p> <ol style="list-style-type: none"> <li>5. Annual Review of the Members’ Code of Conduct and the Council’s Localism Act “Arrangements”</li> </ol>	<p>A&amp;A FGR GR&amp;C GR&amp;C</p>

<ul style="list-style-type: none"> <li>6. Review of Member/Officer Protocol</li> <li>7. Gifts and Hospitality – Review of Guidance for Councillors and Policy for Employees</li> <li>8. Dispensations Guidance for Members</li> <li>9. Guidance for Officers and Councillors on Outside Bodies</li> </ul> <p><b>Shareholder</b></p> <ul style="list-style-type: none"> <li>10. Colchester Commercial (Holdings) Ltd Accounts 2024/25 (Audited) <del>± Annual Report 2024/25</del></li> <li>11. Colchester Commercial (Holdings) Ltd Rethinking Amphora’s Financial Model &gt; Shareholder Value</li> <li>12. <del>Colchester Commercial (Holdings) Ltd 5 Year Forecast</del> Deferred until January 2026</li> <li>13. Colchester Commercial (Holdings) Ltd Grounds Maintenance</li> </ul>	
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<b>Governance and Audit Committee – 20 January 2026</b>	
<p><b>Core</b></p> <ul style="list-style-type: none"> <li>1. <del>Quarter 3 Budget Monitoring Report 2025/26</del> Moved to 24 February 2026</li> <li>2. Quarter 3 Treasury Management Update 2025/26</li> <li>3. Treasury Management Strategy (inc. Investment Strategy) 2026/27</li> <li>4. <del>Capital Strategy 2026/27 to 2027/28</del> Presented to Cabinet as part of budget setting</li> <li>5. Internal Audit Plan 2026/27</li> <li>6. Risk Management Progress Report</li> <li>7. External Audit Update</li> <li>8. External Auditor’s Annual Report</li> </ul> <p><b>Shareholder</b></p> <ul style="list-style-type: none"> <li>9. Colchester Commercial (Holdings) Ltd 5 Year Forecast</li> <li>10. Colchester Commercial (Holdings) Annual Report</li> </ul>	<p><b>FGR</b></p> <p><b>FGR</b> <b>GR&amp;C</b></p> <p><b>GR&amp;C</b></p> <p><b>A&amp;A</b> <b>GR&amp;C</b> <b>FGR</b> <b>FGR</b></p>
<b>Governance and Audit Committee – 24 February 2026</b>	
<ul style="list-style-type: none"> <li>1. Statement of accounts 2024/2025</li> <li>2. Q3 Budget Monitoring 2025/2026</li> </ul>	<p><b>A&amp;A</b> <b>FGR</b></p>

Governance and Audit Committee – 3 March 2026

<p><b>Shareholder</b></p> <ul style="list-style-type: none"><li>3. Social Housing – Landlord Performance Quarter 3 2025-2026</li><li>4. Colchester Commercial (Holdings) Limited draft management accounts</li><li>5. Colchester Commercial (Holdings) Limited final Growth Plan</li><li>6. Report from Colchester City Council Shareholder</li></ul> <p><b>Core</b></p> <ul style="list-style-type: none"><li>7. Annual Review of Business Continuity</li><li>8. Health and Safety Policy and Annual Report</li><li>9. CIPFA Audit Committee Action Plan Update</li><li>Interim Review of the Annual Governance Statement Action Plan</li></ul>	<p><b>GR&amp;C</b> <b>GR&amp;C</b> <b>A&amp;A</b> <b>A&amp;A</b></p>
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