

Council Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Wednesday, 01 November 2017 at 18:00

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COLCHESTER BOROUGH COUNCIL
Council
Wednesday, 01 November 2017 at 18:00

TO ALL MEMBERS OF THE COUNCIL

Published 31/10/2017

You are hereby summoned to attend a meeting of the Council to be held at the Town Hall, Colchester on Wednesday, 01 November 2017 at 18:00 for the transaction of the business stated below.



Chief Executive

AGENDA - Part A
(open to the public including the press)

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

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

The Mayor will welcome members of the public and Councillors and will ask the Chaplain to say a prayer. The Mayor will also remind everyone to use microphones at all times when they are speaking, explain action required in the event of an emergency, mobile phones switched to silent and audio-recording of the meeting.

2 Have Your Say!

The Mayor will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the business of the Council. Please indicate if you wish to speak at this point if your name has not been noted by Council staff.

3 Minutes of the Previous Meeting

A... Motion that the minutes of the meeting held on 26 July 2017 be confirmed as a correct record.

26-07-17 minutes

9 - 18

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 pecuniary interest or non-pecuniary interest.

5 Mayor's Announcements

The Mayor to make announcements.

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

The Council will consider any items referred by the Scrutiny Panel under the Call-in Procedure because they are considered to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.

7 Recommendations of the Cabinet, Panels and Committees

Council will consider the following recommendations:-

7(i) 2016/17 Year End Review of Risk Management 19 - 20

B... Motion that the recommendation contained in minute 200 of the Cabinet meeting on 6 September 2017 be approved and adopted.

7(ii) Review of the Council's Ethical Governance Policies 21 - 22

C.. Motion that the recommendations contained in minute 75 of the Governance and Audit Committee meeting of 17 October 2017 be approved and adopted.

7(iii) Health and Safety Policy 2017-18 23 - 24

D... Motion that the recommendation contained in minute 76 of the Governance and Audit Committee meeting of 17 October 2017 be approved and adopted.

7(iv) Review of Local Code of Corporate Governance 25 - 26

E... Motion that the recommendation contained in minute 78 of the Governance and Audit Committee meeting of 17 October 2017 be approved and adopted.

8 Notices of Motion pursuant to the provisions of Council Procedure Rule 11

Council will consider the following Motions:-

8(i) RMT and Greater Anglia

Proposer: Councillor T. Young

F.. This Council notes that;

- There is a dispute between RMT and Greater Anglia Trains
- Greater Anglia trains are owned by Abellio, who is jointly owned by the Dutch State Railway and the Japanese firm Mitsui
- The dispute centres around union concerns that Greater Anglia is extending Driver Only Operation on the franchise as a result of introducing new trains

- That RMT conductors have voted by 9-1 on a 90% turnout to take strike action and RMT drivers have also voted to take action.
- The RMT is concerned that Greater Anglia is removing the guarantee that there will continue to be a conductor on the services in question and also removing the Conductor's role in ensuring the safe despatch of trains.
- That Abellio, when introducing new trains on their franchise in Scotland, were able to reach an agreement with RMT on this issue which resulted in retaining the guarantee of the conductor on the services in question and also the conductor's role in ensuring the safe despatch of trains.

This Council believes;

- That if Abellio in Scotland can reach an agreement in Scotland with the RMT on safe train despatch and keeping the guarantee of the conductors on new trains then Abellio can reach the same agreement with RMT in Greater Anglia
- That such an agreement would assist in protection of service, safety, security and accessibility for Greater Anglia passengers, including those residents of the borough that regularly use Greater Anglia services.

This Council calls on;

- Greater Anglia to reach such an agreement as soon as possible
- The Government to allow and not block such an agreement.

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

8(ii) **Essex Univesity**

Proposer: Councillor Goss

"This Council condemns the letter recently sent to Essex University by Chris Heaton-Harris MP requesting copies of the syllabuses and links to online lectures which relate to the teaching of European affairs with particular reference to Brexit. This Council fully supports the free thinking, radical and innovative culture Essex University encourages in all its employees and students."

Council requests that a copy of this motion be sent to the Prime Minister."

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

9 **Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10**

Cabinet members and Chairmen will receive and answer pre-notified questions in accordance with Council Procedure Rule 10(1) followed

by any oral questions (not submitted in advance) in accordance with Council Procedure Rule 10(3).

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

(i) Councillor Graham to Councillor Lilley, Portfolio Holder for Public Safety and Licensing:

"The recently introduced Public Space Protection Order (PSPO) which has been recently implemented across the Town Centre bans, among other things, being in possession of an open vessel of alcohol in a public place.

It also prohibits "any person behaving in a manner that causes or is likely to cause intimidation, harassment, alarm, distress, nuisance or annoyance to any person."

If a person breaches the terms of the PSPO they will receive a fixed penalty notice of £100. There is no formal appeal process. If the fine is unpaid a summons to the Magistrates Court will follow.

Please can you explain why the decision was taken to implement such a draconian policy without any debate, discussion or vote at Cabinet or Full Council?"

(ii) Councillor Graham to Councillor B. Oxford, Portfolio Holder for Customers:

"There have been rumours swirling about a new Changing Places facility to be installed in Colchester library. Please can the Portfolio Holder for Customers provide an update?"

(iii) Councillor Goss to Councillor Smith, Leader of the Council and Portfolio Holder for Strategy

"Can the Leader of the Council please provide an update on how discussions and planning with Essex County Council are progressing about new infrastructure for Colchester especially for North Station and North Colchester?"

(iv) Councillor Goss to Councillor Lilley, Portfolio Holder for Public Safety and Licensing

"Can the Portfolio Holder for Public Safety and Licensing advise me how to get funding for a full parking review on the Northern Approaches development which we visited together to look at the issues highlighted by residents."

10	Revised Council Procedure Rules	27 - 46
	G.... Motion that the recommendation contained in the Monitoring Officer's report be approved and adopted.	
	Main Amendment	
	Proposer: Councillor Arnold	
	The recommendation contained in the Monitoring Officer's report be approved and adopted subject to the following amendment to paragraph 8(3) of the Revised Council Procedure Rules:-	
	<ul style="list-style-type: none"> • That sub-paragraph (m) (Questions from Councillors to the Leader of the Council, Cabinet Members and Chairmen of Panels and Committee) be moved so that it comes immediately before sub-paragraph (l) (To receive motions the subject matter of which comprises a non-executive function) and that the sub-paragraphs be renumbered accordingly. 	
11	Schedule of Portfolio Holder Decisions	47 - 50
	To note the schedule of Portfolio Holder decisions covering the period 6 July 2017 - 12 October 2017	
12	Urgent Items	
	Council will consider any business not specified in the Summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.	
13	Reports Referred to in Recommendations	
	The reports below are submitted for information and referred to in the recommendations specified in item 7 of the agenda:	
	2016-17 Year End Review of Risk Management - report to Cabinet 26 July 2017	51 - 76
	Review of the Council's Ethical Governance Policies - report to Governance and Audit Committee 17 October 2017	77 - 154
	Health and Safety Policy 2017-18 - report to Governance and Audit Committee 17 October 2017	155 - 192
	Review of Local Code of Corporate Governance, report to Governance and Audit Committee, 17 October 2017	193 - 222
14	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)

15 Recommendations of the Cabinet, Panels and Committees (Part B)

Council will consider the following recommendations:-

15(i) Colchester Northern Gateway (North) Sports Development Project Review

H... Motion that the recommendation contained in minute 193 of the Cabinet meeting of 9 August 2017 be approved and adopted.

15(ii) Amphora Place Phase 2 Office Development Proposal

I... Motion that the recommendations in minute 194 of the Cabinet meeting of 9 August 2017 be approved and adopted.

16 Reports Referred to in Recommendations (Part B)

The reports below are included for information and are referred to in the recommendations specified in item 15 of the agenda:-

Colchester Northern Gateway (North) Sports Development Project Review - report to Cabinet 9 August 2017

- 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).

Amphora Place Phase 2 Office Development Proposal - report to Cabinet 9 August 2017

- 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).

Council

Wednesday, 26 July 2017

Attendees:

Councillor Christopher Arnold, Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Robert Davidson, Councillor Beverly Davies, Councillor John Elliott, Councillor Andrew Ellis, Councillor Daniel Ellis, Councillor Annie Feltham, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor Dave Harris, Councillor Pauline Hazell, Councillor Mike Hogg, Councillor Brian Jarvis, Councillor John Jowers, Councillor Darius Laws, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Rosalind Scott, Councillor Jessica Scott-Boutell, Councillor Lesley Scott-Boutell, Councillor Paul Smith, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

198 Prayers

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Hannah Cooper.

199 Apologies

Apologies were received from Councillors Higgins and P. Oxford

200 Minutes (Council)

RESOLVED that the minutes of the meeting held on 24 May 2017 be confirmed as a correct record.

201 Have Your Say! (Council)

Councillors Smith (as Director of North Essex Garden Communities) and T. Young (as Alternate Director of North Essex Garden Communities) declared a non-

pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Simon Crow addressed Council pursuant to the provisions of Council Procedure Rule 7(5). He noted the proposals to develop two large garden communities, but queried where the jobs to support such large increases in population would come from. A number of major employers had left Colchester and had not been replaced. Little was done to attract new employers. The Knowledge Gateway and new business units would not create sufficient jobs alone. Unless plans were put in place to attract major employers, the West Tey garden community in particular would become a large dormitory settlement for commuters.

In response, Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that the jobs would be created alongside new housing development. In the last year, over 4,000 jobs had been created, which was greater than the number of houses built. The Knowledge Gateway was ensuring that Colchester was able to retain graduates and the new office development in Sheepen Road demonstrated how the Council supported local employers and the creation of quality jobs. All the units in the Queen Street business incubation centre had been filled and these business would grow and create further employment. Large employers, such as Curzon, were being attracted to Colchester. Whilst 21,000 people commuted out of the borough to work, 23,000 commuted in and the Council would seek to retain this balance.

Mark Goacher addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to express concerns about the provision of public transport. Essex County Council were planning cuts to local bus services, in particular to No. 70 and No 75 services. He has been contacted by a concerned resident in Tiptree who would no longer be able to make evening trips to Colchester, if these cuts were implemented. He queried what efforts the Borough Council was making to lobby Essex County Council to stop the cuts to bus services.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy explained that he had discussed the issue with Councillor Bentley, Deputy Leader of Essex County Council, who took the concerns of residents seriously. An announcement would be made in due course.

Pauline Bacon addressed Council pursuant to the provisions of Council Procedure Rule 7(5). Through the experiences of her family and through her work in adult social care she was aware of the impact of dementia. She welcomed that Colchester had aspirations to be a dementia friendly community and Colchester Borough Council had signed up to the Dementia Action Alliance. However much more needed to be done. As well as more funding towards a cure, a social change was necessary. People needed to engage with and help those suffering from dementia. Colchester Borough Council needed to use its influence on suppliers, customers and colleagues to make Colchester

a dementia friendly community.

Councillor Bourne, Portfolio Holder for Housing and Communities, thanked Pauline for her comments. Colchester Strategic Partnership was leading on the Dementia Action Alliance in Colchester and a wide range of business and public bodies were involved. However, they did need more businesses in particular to come on board and help raise awareness. It would be beneficial for members to have greater awareness of the impact of dementia on their communities and how it stopped people accessing services.

Mr Orton addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to express his concern about the cleanliness of the town centre, which he believed was dirty. There were also a number of other issues about the condition of the town centre, such as loose paving stones, subways in poor condition and graffiti. In addition, the Town Hall clock was not showing the correct time. This created a bad impression with tourists. There appeared to be no leadership and no plan to improve matters.

Councillor Lilley, Portfolio Holder for Public Safety and Licensing responded and explained that following concerns Mr Orton had expressed at Cabinet, he had done a tour of the town centre with him. A number of problems had been reported as a consequence. However, some of the issues were quite complex and a number were for partners and other authorities. It was for individual businesses to maintain their shopfronts and subways were an issue for Essex Country Council as Highways Authority. The Council had written to all town centre businesses inviting them to work with the Council to help maintain the condition of the town centre.

Councillor Smith presented the Mayor with a petition from local residents opposing cuts to the No. 66 bus service.

202 Mayor's Announcements

The Mayor reminded members about the ceremony to mark the 100th Anniversary of the Battle of Passchendaele on 21 July 2017.

203 Review of Meetings and Ways of Working

RESOLVED that the recommendations contained in minute 57 of the Governance and Audit Committee of 27 June 2017 be approved and adopted (Unanimous).

204 Annual Scrutiny Report

RESOLVED that the recommendation in minute 127 of the Scrutiny Panel meeting of 18 July 2017 be approved and adopted.

205 Notices of Motion pursuant to the provisions of Council Procedure Rule 11

(i) Reduction in the Voting Age

Annesley Hardy addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to express her concern about the potential moulding of the political views of children by adults. Through her work as a teacher she had experience of teachers seeking to influence the political views of pupils and colleagues. Should the voting age be reduced how was it proposed to protect students and pupils from such influences.

It was proposed by Councillor T. Young that:-

“This Council:-

Notes how successful reducing the voting age was in Scotland during the Independence referendum in engaging and enthusing young people in the political and democratic process. Therefore this Council:-

- o Supports reducing the voting age to 16;

Resolves to work with schools, colleges, youth groups and other interested parties in the Borough to lobby in favour of a reduction in the voting age;

- o Resolves to notify the government and the Electoral Commission that Colchester Borough is willing to offer itself as a trial area for a reduction in the voting age during the next set of Borough Council Elections.”

Councillor Barber proposed a main amendment as follows:-

The motion on the reduction of the voting age be approved and adopted subject to the addition of the following words after “Resolves” in the third bullet point:-

“to consult with the Essex Youth Parliament on this matter before considering whether”

Councillor T. Young indicated that the main amendment was accepted and the motion was therefore amended accordingly, as set out below:-

“This Council:-

Notes how successful reducing the voting age was in Scotland during the Independence referendum in engaging and enthusing young people in the political and democratic

process. Therefore this Council:-

- o Supports reducing the voting age to 16;
- o Resolves to work with schools, colleges, youth groups and other interested parties in the Borough to lobby in favour of a reduction in the voting age;
- o Resolves to consult with the Essex Youth Parliament on this matter before considering whether to notify the government and the Electoral Commission that Colchester Borough is willing to offer itself as a trial area for a reduction in the voting age during the next set of Borough Council Elections.”

The amended motion was put to the vote and was approved and adopted (majority voted for).

(ii) Borough of Sanctuary

Maria Wilbey and Rahaf Alghalyoun addressed Council pursuant to the provisions of Council Procedure Rule 7(5) and thanked Council for its decision to accept a number of refugees fleeing from Syria. Rahaf explained how she had resettled in Colchester and the opportunities it had opened for her and her family. Colchester had not just provided the practical help she needed but also had been a welcoming environment for her and her family.

Emma Gibby and Emily Warren addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to explain the work of a group called Friends Not Foes that had been established at the Sixth Form College. They had done a project in support of unaccompanied children in camps at Calais and had helped with the pop up Syrian café at Firstsite. They also provided help supporting refugees with their driving theory tests and provided social opportunities to help support the integration of refugees into the community.

It was proposed by Councillor Scott that:-

“Colchester Borough Council has been instrumental in providing services and support for refugees under a variety of Home Office schemes over the years. Most recently the Council gave unanimous support to instigate the Syrian Vulnerable Persons Resettlement Scheme working with Essex County Council, public sector and voluntary sector partners. We are proud of our achievement in welcoming 12 Syrian families over the past 18 months.

In order to strengthen our commitment to those who face the ordeal of being separated from their families and home this Council pledges to:

- continue to do all in its power to welcome and assist refugees and all those forced to seek sanctuary in our Borough.
- ensure services and resources are accessible, including by signposting, translation, and advocacy.
- acknowledge the pledges of institutions, businesses, individuals and families across Colchester.
- declare ourselves as a Borough of Sanctuary, following the examples of other local authorities already signed up to the City of Sanctuary principles.”

Councillor Hazell proposed a main amendment as follows:

The motion on Borough of Sanctuary be approved and adopted subject to the deletion of the words “all those” in the first bullet point and their replacement with the words “the most vulnerable people from war-torn countries”.

Councillor Scott indicated that the main amendment was not accepted and on being put to the vote the main amendment was lost (majority voted against).

The motion was put to the vote and was unanimously approved and adopted.

(iii) Safety of buildings and housing

RESOLVED that Council Procedure Rule 11(2) be suspended for this motion to enable Council to debate the motion at this meeting.

It was proposed by Councillor J. Young that:

“This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council will continue to undertake a thorough investigation into all buildings owned and maintained by Colchester Borough Council to ensure that any cladding is fire resistant and, if not, action is taken to resolve this.

Additionally this authority will investigate changing planning policy to ensure that any new application for high rise accommodation, houses in multiple accommodation (HMOs), care homes and sheltered accommodation include sprinkler systems.

This Council also undertakes to retro-fit sprinkler systems into HMOs or sheltered

housing schemes owned by this authority as part of future refurbishment plans.”

Councillor Goss proposed a main amendment as follows:-

The motion on the safety of buildings and housing be approved and adopted subject to the deletion of the words “undertakes to retrofit” in paragraph 4 and their replacement with the words “requests that the Cabinet investigates the retro-fitting of”

Councillor J. Young indicated that the main amendment was accepted and the motion was therefore amended accordingly, as set out below:-

“This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council will continue to undertake a thorough investigation into all buildings owned and maintained by Colchester Borough Council to ensure that any cladding is fire resistant and, if not, action is taken to resolve this.

Additionally this authority will investigate changing planning policy to ensure that any new application for high rise accommodation, houses in multiple accommodation (HMOs), care homes and sheltered accommodation include sprinkler systems.

This Council also requests that the Cabinet investigates the retro-fitting of sprinkler systems into HMOs or sheltered housing schemes owned by this authority as part of future refurbishment plans.”

The amended motion was put to the vote and was unanimously approved and adopted

(iv) Penalty on neglect of local authority to remove refuse

It was proposed by Councillor Willetts that:-

“Council informs Cabinet of its opinion that Parliament should be petitioned to re-introduce the principle espoused in the Public Health Act 1875 that if a local authority, without reasonable excuse, fails to collect the waste designated by the Authority for removal, that local authority should be liable to pay to the occupier of such households a financial penalty for every day during which the default continues.”

On being put to the vote the motion was lost (majority voted against).

206 Objection to Proposals Contained in Network Rail's Draft (Essex and Others Level Crossing Reduction) Order Transport and Works Act 1972

Councillor Lilley, Portfolio Holder for Public Safety and Licensing proposed that the recommendations contained in the report by the Assistant Director, Policy and Corporate be approved and adopted.

RESOLVED (UNANIMOUSLY) that the recommendations contained in the report by the Assistant Director, Policy and Corporate, be approved and adopted and that the Council oppose the proposals contained in Network Rail's draft (Essex and Others Level Crossing Reduction) Order in relation to the proposed closures of the following level crossings:-

E41 Paget Road, Wivenhoe
E42 Sand Pits, Alresford
E51 Thornfield, Wakes Colne
E52 Golden Square, Mount Bures

207 Amendment to the Scheme of Delegation to Officers

RESOLVED that the recommendation contained in the Monitoring Officer's report be approved and adopted.

208 Schedule of Portfolio Holder Decisions

RESOLVED that the Schedule of Portfolio Holder decisions for the period 4 February 2017 - 5 July 2017 be noted.

209 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

In view of the late hour it was agreed that written responses would be sent to the pre-notified questions.

The Mayor indicated that he would convene a meeting with the Group Leaders to consider how the business at Council meetings could be managed in order to ensure that the scheduled business could be completed.

Extract from the minutes of the Cabinet meeting held on 6 September 2017

200. 2016/17 Year End Review of Risk Management

The Assistant Director Policy and Corporate, submitted a report a copy of which had been circulated to each Member together with minute 65 of the Governance and Audit Committee meeting of 25 July 2017.

RESOLVED that:-

- (a) The risk management work undertaken during 2016/17 be noted.
- (b) The current strategic risk register be noted.
- (c) The proposed Risk Management Strategy for 2017/18 be approved.

RECOMMENDED TO COUNCIL that the Risk Management Strategy 2017/18 be included in the Council's Policy Framework.

REASONS

Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.

During the year progress reports are presented to the Governance and Audit Committee detailing work undertaken and current issues. This report was presented to the Governance and Audit Committee on 25 July 2017, where they approved its referral to this meeting.

The Risk Management Strategy is one of the key corporate governance documents that supports the Constitution of the Council and forms part of the Policy Framework. Accordingly any amendments have to be approved by Full Council.

ALTERNATIVE OPTIONS

No alternative options were proposed.

Extract from the minutes of the Governance and Audit Committee meeting of 17 October 2017

75. Review of the Council's Ethical Governance Policies

Andrew Weavers, Monitoring Officer, introduced the report which requests that the Committee review the revised ethical policies and recommend them to Council so that they can be approved for inclusion in the Council's Policy Framework.

Andrew Weavers informed Committee members that the Income and Debt Policy has been added to the Ethical Governance policies after a recommendation made by the Governance and Audit Committee in March. Michelle Tarbun, Income and Corporate Debt Manager, and Samantha Preston, Customer Solutions Manager, attended the meeting to provide information to Committee members regarding the policy. Michelle Tarbun informed the Committee that there had been a minor amendment to the policy in relation to the housing benefit overpayment process.

Committee members raised concerns that accepting cash payments from residents was not included within the Income and Debt policy and that it should be added. In response, Michelle Tarbun informed the Committee that the focus is on other forms of payment, however cash payments directly into Lloyds Bank are accepted and widely used. Customers without a bank account could also use a Post Office card account. In exceptional circumstances cash payments can be accepted directly by the Council.

A further query was raised about whether the Council could reduce the amount of irrecoverable debt written off by taking further steps to ensure business rates are paid. Michelle Tarbun confirmed that the business rate regulations are strict in terms of what can be done for recovery and that there are a number of existing business loopholes. The Council processes a high number of accounts and works well with existing businesses who pay their business rates.

Andrew Weavers then provided the Committee with a summary of the changes to the other policies in the report. This included updating the Senior Management role titles following the recent review, as well as terminology changes for the Code of Practice on Covert Surveillance. Andrew Weavers also highlighted that new data protection regulations had recently been released by the Government. A review of the existing Data Protection policy will be required to ensure that it meets the new regulations.

In response to Committee members questions, Andrew Weavers firstly confirmed that the number of instances where the policies had been invoked during 2016/17 were higher than in previous years. In response to a second query, Andrew Weavers stated that the new data protection regulations would come into force in May 2018 and the Council is currently undertaking an impact assessment of the new regulations. If changes are required to the Data Protection policy, the policy would come back to the Governance and Audit Committee for review in due course.

Andrew Weavers also confirmed that Colchester Borough Councillors are advised to register with the information commissioner as a controller if they hold any casework information and that the Whistleblowing policy only relates to Councillors and staff and not members of the public.

RESOLVED;

- a) That the Governance and Audit Committee reviewed the Ethical Governance Policies
- b) To *RECOMMEND* to Council that the they be approved for inclusion in the Council's Policy Framework

Extract from the minutes of the meeting of the Governance and Audit Committee held on 17 October 2017

76. Health and Safety Policy

Andrew Weavers, Monitoring Officer, introduced the Health and Safety Policy report. The report requests that the Committee approve the revised Health and Safety Policy for 2017/18 and recommends to Council that it be included in the Council's Policy framework. The report also requests that the Committee note that a further report will be submitted to the Committee at a future meeting regarding the positive progress of health and safety, work undertaken during 2017 and the Council's future direction for Health and Safety Management.

Andrew Weavers stated that the Committee first reviewed the policy last October and that the policy will now be brought annually as part of the annual review of policies. Andrew Weavers highlighted that the policy has been reviewed and updated, and during 2017 the audit of Council services and working arrangements has continued. Both Waste Services and lone working arrangements have been reviewed with no significant risks identified; action plans have also been produced. Upcoming audits will take place in Community Zones and Building Management.

With regard to lone working, Andrew Weavers informed Committee members that a lone worker 24/7 monitoring system has been introduced. The system has an inbuilt S.O.S alarm, 2 way communications between a centralised control team and the lone worker and knows where you are located to ensure that assistance can be provided when needed.

Following an internal audit, Health and Safety received substantial assurance, which has since been backed up by a further review. All Council premises have been deemed suitable, with none identified at a high risk level.

In response to questions from Committee members, Andrew Weavers stated whilst all members aren't included in the policy, the core responsibility of Health and Safety lies with the Leader and Cabinet. This is then delegated to the Chief Executive to implement. A Committee member suggested that reference be made to Members in the Health and Safety Policy organisational structure. With regard to the issue of Town Hall safety, Andrew Weavers confirmed that safety arrangements are reviewed when necessary and in line with the national security threat levels.

In response to a request to strengthen the wording in the policy relating to illegal consumption of alcohol and drugs before driving, Andrew Weavers confirmed that this was included within the terms of employment for staff, but would be taken on board. A further suggestion about those using Council vehicles parking legally was made by a Committee member.

The Committee discussed the need to hold fire drills whilst Council meetings are taking place. Andrew Weavers stated that fire equipment testing is undertaken each week on Council premises, but acknowledged that a fire drill during a Council meeting had not taken place for some time. Committee members agreed that a drill should take place when a meeting with Councillors, Officers and members of the public are present. It was also requested that advanced notice of the drill taking place be circulated to those who are likely to attend.

RESOLVED that;

- a) The revised Health and Safety Policy for 2017/18 be agreed and to *RECOMMEND* to COUNCIL that it be included in the Council's Policy Framework.
- b) The intention to submit a further report to Committee regarding the positive progress of health and safety, work undertaken during 2017 and the Council's future direction for health and safety management be noted.

Extract from the minutes of the Governance and Audit Committee meeting on 17 October 2017

78. Review of Local Code of Corporate Governance

Andrew Weavers, Monitoring Officer, introduced the Review of Local Code of Corporate Governance Report. The report requests that the Committee review the updated Local Code of Corporate Governance for 2017/18 and to recommend to Full Council that it be approved for inclusion in the Council's Policy Framework.

Andrew Weavers highlighted that the Local Code of Corporate Governance is presented to the Committee each year. The code has been updated to include the changes following the senior management review and the creation of the new commercial companies. Andrew Weavers stressed the importance of the code, as it provides a gauge for both internal and external auditors to assess how the Council is meeting the six principles of good governance.

The Chairman welcomed the report and noted the importance of the document for auditing purposes and for showing the governance standards of the organisation.

In response to a question from a Committee member, Andrew Weavers confirmed that both Councillors and Officers who have been appointed to the new commercial companies are covered by the Companies Act and subsequent laws and regulations.

RESOLVED:

- a) To *RECOMMEND* to COUNCIL the updated Local Code of Corporate Governance for 2017/18 be approved for inclusion in the Council's Policy Framework

1 November 2017

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Revised Council Procedure Rules		
Wards affected	Not applicable		

Executive Summary

The Full Council is required to have rules that govern proceedings at its meetings. This report requests Full Council to agree revised Council Procedure Rules to change some of its procedures to improve its ability to deal with its required business

1. Decision(s) Required

- 1.1 To agree the revised Council Procedure Rules attached at Appendix 1 to this report and that they come into effect from the next Full Council meeting on 7 December 2017.

2. Background

- 2.1 Following the Council meeting on 26 July 2017 a meeting of Group Leaders was convened to review Council Procedure Rules and examine how they could be modified to improve Council meetings ability to deal with its business more effectively within the time available without curtailing the opportunity for proper debate.
- 2.2 The discussions led to a revised Council Procedure Rules being produced which are attached to this report at Appendix 1 which are being submitted to this meeting for ratification.

3. Proposals

- 3.1 The proposed changes to Council Procedure Rules are as follows:
 - Rule 8 (j) – (l) amended to remove potential ambiguity with Rule 11;
 - Rule 11 (5) introduction of requirement for the Mayor to consult Group Leaders prior to publication of the meeting agenda on the order that submitted motions will be debated;
 - Rule 11 (6) introduction of provision that no motions shall be accepted at the annual budget meeting;
 - Rule 14 (3) introduction of amended time limits for speaking i.e. report of Leader and cabinet members, proposer of a motion or main amendment up to 5 minutes , reply to discussion on motion / main amendment, reply to debate by proposer of motion / main amendment up to 3 minutes and all other cases up to 3 minutes;
 - Rule 14 (5) new provision to introduce maximum time period of 80 minutes to deal with submitted motions;
 - Rule 19 (1) new provision to confirm breaks every 90 minutes; and

- Rule 19 (2) new provision to provide that if the meeting is still proceeding at 10pm the Mayor shall ensure that the item under debate is concluded then close the meeting and automatically defer any items not dealt with to the next ordinary meeting .

3.2 All of the above proposals are subject to the Mayor as chairman of the meeting agreeing to vary the Rules in the event of urgency or necessity to ensure that required business is transacted.

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 Borough.

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

5.1 None identified.

Council Procedure Rules

INTRODUCTION

The Council is required by law to have procedural rules that govern proceedings at meetings of the Full Council.

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Council Procedure Rules

1. Meetings of the Council

- (1) The Annual Meeting of the Council shall be held on a day in May to be determined by the Cabinet.
- (2) Other meetings of the Council shall be held at intervals of approximately eight weeks on Wednesdays commencing at 6pm or upon such other day or at such other hour as the Cabinet may determine.
- (3) The Proper Officer shall summon meetings of the Council.
- (4) The summons to an extraordinary meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

2. Order of Business at the Annual Meeting of the Council

The order of business at the Annual Meeting of the Council shall be:

- (a) To elect the Mayor;
- (b) To deal with any business required by law to be done before any other business;
- (c) To approve as a correct record the minutes of the last meeting of the Council;
- (d) To deal with any other business expressly required by law to be done;
- (e) To elect the Deputy Mayor;
- (f) To give a vote of thanks to the retiring Mayor;
- (g) Participation by the public (Have Your Say!) (Reconvened meeting only);
- (h) To appoint the Leader of the Council (only in the year where the Leader's term of office expires)
- (i) To receive notification from the Leader of the Council (only in the year where the Leader's term of office expires) of:
 - (a) the appointment of the Deputy Leader
 - (b) the appointments to the Cabinet and the extent of their delegated authorities
- (j) To appoint the Panels and Committees;
- (k) To give a vote of thanks to former Councillors;
- (l) Other business, if any, specified in the summons;

- (m) Other business, if any, not specified in the summons which by reasons of special circumstances, the Mayor determines should be considered at the meeting as a matter of urgency;

unless in the exercise of absolute discretion, the Mayor shall direct otherwise.

3. The Mayor and the Deputy Mayor

The Mayor and Deputy Mayor shall be elected annually by the Council from amongst the Councillors. If the Mayor or Deputy Mayor resign they shall continue in office until their successors are elected. If the Mayor or Deputy Mayor cease to be qualified, become disqualified or are removed from office, the Council shall elect a successor to hold office until the next Annual Meeting.

4. Chairman of Meetings of the Council

The Mayor shall, if present, take the Chair at meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall take the Chair. In the absence of both the Mayor and the Deputy Mayor, a Chairman for the meeting shall be elected by the Council from amongst the Councillors present. Any power or duty of the Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

5. Appointment of the Leader of the Council, Panels and Committees

- (1) The Council shall, at the appropriate Annual Meeting, elect the Leader of the Council from amongst the Councillors. If the Leader of the Council resigns he/she shall continue in office until a successor is elected by the Council. If the Leader of the Council, ceases to be qualified, becomes disqualified or is removed from office, the Council shall elect a successor.
- (2) The Council shall, at the Annual Meeting, appoint such Panels and Committees as it is required to appoint by or under any statute or otherwise as it thinks fit and may, at any time, appoint such other Panels and Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
 - (a) shall not appoint any member of a Panel or a Committee so as to hold office later than the next Annual Meeting of the Council.
 - (b) casual vacancies which arise on any Panel or any Committee shall be filled by the Cabinet as it, in its discretion, thinks fit subject to the requirements for achieving a political balance of members on the Panels and Committees.

6. Public Participation at all Public Meetings (Have Your Say!)

- (1) Any member of the public may ask a question or address a meeting of the Council on a matter which is on the agenda for the meeting or is within the terms of reference of the Council except in cases where the Council is acting in a quasi-judicial capacity or similar or in relation to planning applications, subject to the following procedure.

- (2) Subject to the absolute discretion of the Mayor to extend or limit the time available for public participation, a period of up to fifteen minutes shall be available at the start of a meeting for public participation on issues within the remit of the meeting not otherwise appearing on the agenda for the meeting.
- (3) Where public participation relates to an item on the agenda for the meeting, the Mayor shall invite the participation immediately prior to the consideration of the item by the meeting. The amount of time afforded to public participation on any single item shall be at the absolute discretion of the Mayor but should not normally exceed fifteen minutes.
- (4) At the absolute discretion of the Mayor the order of business for the meeting may be changed for the convenience of the public who wish to participate.
- (5) A member of the public may ask questions or make a statement for a period not exceeding three minutes. When a speaker has one minute of the allotted time remaining, a bell will be rung. At the end of the period of time, the bell will be rung again and the speaker will stop speaking whether or not the speech has been concluded.
- (6) An answer to a question posed or statement made by a member of the public may take the form of:-
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer which will be reported to a future meeting.
- (7) Following the conclusion of the answer the member of the public may, if they wish, have a further period of up to one minute to ask a supplementary question or comment on the answer provided. At the end of that period of time, the bell will be rung and the speaker will resume their seat whether or not their comments have been concluded. A further response to the speaker's comments may be made.
- (8) In the exercise of absolute discretion, the Mayor may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.
- (9) Public participation at meetings must be made orally at the meeting. Written statements may not be submitted instead of personal attendance and documents including photographs may not be circulated by a member of the public participating in the meeting, except for a petition which may be presented to the Mayor.

7. Quorum for all Meetings of the Council

- (1) A quorum is one quarter of the total membership of the Council.
- (2) If during any meeting of the Council the Mayor, after counting the number of Councillors present, declares that there is not a quorum present, the meeting shall stand adjourned.
- (3) The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned or if a time is not fixed by the Mayor, to the next ordinary meeting of the Council.

8. Agenda and Order of Business at Ordinary Meetings of the Council

- (1) The agenda and order of business for every ordinary meeting of the Council will be determined by the Proper Officer in consultation with the Mayor or in the Mayor's absence, the Deputy Mayor:
- (2) The order of business may be altered at the meeting;
- (3) Business at every ordinary meeting of the Council will consist of:
 - (a) The election of a Chairman for the meeting if the Mayor and Deputy Mayor are both absent;
 - (b) Prayers at the discretion of the Mayor;
 - (c) Participation by the public (Have Your Say!);
 - (d) To approve as a correct record, the Minutes of the last meeting of the Council;
 - (e) Mayor's announcements;
 - (f) To receive declarations of Members Interests;
 - (g) To dispose of business (if any) remaining from the last meeting;
 - (h) To receive matters (if any) referred under the Call-In Procedure;
 - (i) To receive recommendations/resolutions from the Cabinet, Panels and Committees;
 - (j) To deal with any business expressly required to be dealt with at that meeting;
 - (k) To receive motions the subject matter of which comprise an executive function or an executive decision and of which Council has been requested to advise Cabinet of its view, in the order in which has been agreed in accordance with Rule 11 (5);
 - (l) To receive motions the subject matter of which comprise a non-executive function in the order in which has been agreed in accordance with Rule 11 (5);

- (m) Questions from Councillors to the Leader of the Council, Cabinet Members and Chairmen (or in their absence Deputy Chairman) of Panels and Committees and replies given;
- (n) To note schedule of decisions taken by Portfolio Holders under delegated powers since the last meeting of the Council
- (o) Other business, if any, specified in the summons;
- (p) Other business, if any, not specified in the summons which by reason of special circumstances, the Mayor determines should be considered at the meeting as a matter of urgency;

unless in the exercise of absolute discretion, the Mayor shall direct otherwise.

9. Members' Interests

Disclosable Pecuniary Interests

- (1) A Councillor has a disclosable pecuniary interest in any business if it is of a description set out in Rule 9(2) below and is either:
 - (a) an interest of his/hers
 - (b) an interest (of which the Councillor is aware) of a spouse, civil partner or a person he/she is living with as a spouse or civil partner ("known as a Relevant Person")
- (2) A Pecuniary Interest is an interest which relates to or is likely to affect:
 - (a) any employment, office, trade, profession or vocation carried on by the Councillor or a Relevant Person for profit or gain;
 - (b) any payment or provision of any other financial benefit (other than from the authority) made or provided (within the period of 12 months ending with the day on which the Councillor gave notification to the Monitoring Officer of any disclosable pecuniary interests he/she had at the time of the notification) in respect of any expenses incurred in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (c) Any contract for goods, services or works which has not been fully discharged between a Councillor or a Relevant Person and the authority or a body in which the Councillor or a Relevant Person has a beneficial interest;
 - (d) A beneficial interest in any land in the Borough of Colchester;
 - (e) Any tenancy where to the Councillors knowledge (i) the landlord is the Authority and (ii) the tenant is a body in which a Councillor or a Relevant Person has a beneficial interest;

- (f) A licence of any land in the Borough of Colchester (alone or jointly with others) that a Councillor or a Relevant Person occupy for a month or longer.
- (g) Any beneficial interest in securities of a body where-
 - (i) that body (to the Councillor's knowledge) has a place of business or land in the Borough of Colchester and
 - (ii) either:
 - (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (bb) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

Other Pecuniary Interests

- (2) A Councillor has a pecuniary interest in any business where either it relates to or is likely to affect:
 - (a) any person or body who employs or has appointed the Councillor;
 - (b) any contract for goods, services or works made between the Council and a Councillor or a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a person or body of the description specific in paragraph 9.2.(g) which has been fully discharged within the last 12 months;

Non-Pecuniary Interests

- (3) A Councillor has a non-pecuniary interest in any business where either it relates to or is likely to affect:
 - (a) any body of which a Councillor is a member or in a position of general control or management and to which he/she are appointed or nominated by the Council;
 - (b) any body-
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
 of which a Councillor is a member or in a position of general control or management;
 - (c) the interests of any person from whom a Councillor has received a gift or hospitality with an estimated value of at least £50;

- (d) a decision in relation to that business which might reasonably be regarded as affecting a Councillor's wellbeing or the wellbeing of a Relevant Person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

Disclosure of Interests

- (5) Subject to Rules 9(6) to 9(7), where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the Council and he/she is present at a meeting of the Council at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on his/her register of Interests or for which he/she has made a pending notification.
- (6) Rule 9(5) only applies where the Councillor is aware or ought reasonably to be aware of the existence of the Relevant Person's interest.
- (7) Where a Councillor has an interest in any business of the Council which would be disclosable by virtue of Rule 9(5) but by virtue of paragraph 14 of the Members Code of Conduct (sensitive interests) details of the interest are not registered in the Council's published Register of Members' Interests and that the interest is a disclosable pecuniary interest (if that is the case) but the Councillor need not disclose the nature of the interest to the meeting.
- (8) Where a Councillor has a pecuniary interest in any business of the Council and a function of the Council may be discharged by a Councillor acting alone in relation to that business, he/she must notify the monitoring officer of the existence and nature of that interest within 28 days of becoming aware that he/she will be dealing with the matter even if more than 28 days before he/she will actually deal with the business.
- (9) Where a Councillor has an interest in any business of the Council which would be disclosable by virtue of Rule 9(5) and he/she has made an executive decision in relation to that business he/she must ensure that any written statement of that decision records the existence and nature of that interest (in this Rule "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 (as amended)).

Disclosure of Interests generally

Effect of Disclosable Pecuniary Interests on participation

- (10) A Councillor may not-
 - (a) if present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
 - (b) he/she has a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and

(c) the Councillor is aware that Rule 9(10) (b) is met:

- (i) participate, or participate further, in any discussion of the matter at the meeting, or
- (ii) participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless the Councillor has received a dispensation from the Monitoring Officer (or from an officer authorised by the Monitoring Officer)

(d) exercise executive functions in relation to that business and

(e) seek improperly to influence a decision about that business.

(11) If a function of the Council may be discharged by a Councillor acting alone and he/she has a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function he/she may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by him/herself).

(12) If a Councillor has another pecuniary interest in any business of the Council which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice his/her judgement of the public interest and he/she is present at a meeting of the Council at which such business is to be considered or is being considered the Councillor must:-

- (a) disclose the existence and nature of the interest in accordance with Rule 9(5) (but subject to Rule 9(7))
- (b) withdraw from the room or chamber where the meeting considering the business is being held unless he/she has obtained a dispensation from the Monitoring Officer (or an officer authorised by the Monitoring Officer).

10. Questions to the Leader, Cabinet Members and Chairmen of Panels and Committees

(1) There shall be a period not exceeding 60 minutes during which Pre-notified Questions and other questions may be put by Councillors to the Leader of the Council or to Cabinet Members on any aspect of matters within a portfolio or Chairmen of Panels and Committees (or in their absence the Deputy Chairman) on any aspect of matters within the Panels or Committees remit. Pre-notified Questions will be dealt with first and any Pre-notified Questions that are not dealt with during the time allocated will receive a written reply.

(2) A Councillor may, provided that notice in writing has been given to the Proper Officer no later than by 10am on the day before the meeting, ask up to three questions of the Leader of the Council, Cabinet Members or Chairmen of Panels and Committees (a Pre-notified Question).

- (3) Following the conclusion of Pre-notified Questions, each Councillor may ask no more than one oral question of the Leader of the Council and of each Cabinet Member and Chairmen of Panels and Committees. In the exercise of absolute discretion, the Mayor may disallow any question which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.
- (4) At the expiration of 60 minutes, any questions which Councillors have indicated to the Mayor a desire to ask, but which have not been asked shall be deemed to have lapsed and shall not be carried forward to any future meeting.
- (5) Every question asked shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- (6) An answer may take the form of:-
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Councillors with the Minutes of the meetings at which the question has been asked.
- (7) Where either a Pre-notified Question or an oral question asked has been put and answered, the Councillor who has asked the question may ask one supplementary question of the Leader of the Council, appropriate Cabinet Member or Chairmen of Panels and Committees who has answered the question, provided the supplementary question is on a point arising from the Leader of the Council's, appropriate Cabinet Member's or Chairmen of Panels and Committees' answer. The Leader of the Council, appropriate Cabinet Member or Chairmen of Panels and Committees may decline to answer a supplementary question or may answer it in one of the forms mentioned in the previous Rule.

11. Notices of Motion

- (1) Except for a Motion that may be proposed without notice, notice of every motion shall be either given in writing, signed by the Councillor giving it, or electronically via e-mail and delivered to the Proper Officer at least Ten clear working days before the meeting to which it is intended to be submitted.

The Monitoring Officer in consultation with the Proper Officer shall determine whether the subject matter of the motion comprises an executive or non-executive function or an executive decision.

- (2) Any motion the subject matter of which relates to an executive function shall, on being formally proposed by the councillor moving the motion set out on the Agenda in their name but without speaking upon it, stand referred without discussion to the Cabinet for consideration and determination.

(NB: All executive decisions are required by law to be taken by the Cabinet. The Council may, however, advise the Cabinet of its view on a matter which amounts to an executive decision.)

- (3) Any motion the subject matter of which comprises a non-executive function shall be considered and determined by the Council.
- (4) Every motion of which notice has been given shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.
- (5) The Mayor shall consult the Group Leaders prior to publication of the meeting agenda on the order in which motions submitted for the meeting will be debated
- (6) No motions shall be accepted at the annual budget meeting under this Procedure Rule Provided always that the Mayor may vary this Rule in the case of urgency.

12. Motions and Amendments which may be proposed without Notice

- (1) The following motions and amendments may be proposed without notice:-
 - (a) Appointment of a Chairman of the meeting at which the motion is made.
 - (b) Motions relating to the accuracy of the Minutes, closure, adjournments, order of business, next business or disorderly conduct.
 - (c) Remission to the Cabinet, a Panel or a Committee or that the matter be considered forthwith.
 - (d) Appointment of, or changes to, the membership of a Panel or Committee.
 - (e) Adoption of reports and recommendations of the Cabinet, Panels, Committees or Officers and any consequent resolutions.
 - (f) That leave be given to withdraw a motion.
 - (g) Secondary amendments to motions.
 - (h) Extending the time limit for speeches.
 - (i) That an item of business specified in the summons has precedence.
 - (j) Suspending the Council Procedure Rules.
 - (k) Motion under Section 100 A (4) of the Local Government Act 1972 (as amended) to exclude the public (including the press) from the meeting to prevent the disclosure to them of exempt information as defined in the Act.

13. Previous Determinations by the Council

- (1) No matter on which a decision has been reached within the previous six months by the Council, shall be further considered unless the Leader of the Council or the Proper Officer is satisfied that circumstances reasonably justify the matter being re-opened.
- (2) Motions relating to business considered previously by the Council shall be subject to the following requirements:

- (a) No motion to rescind any resolution of the Council passed within the preceding six months shall be proposed unless the notice bears the names of at least fifteen Councillors.
- (b) No motion or amendment to the same or similar effect as any motion or amendment which has been proposed and lost at a Council meeting within the preceding six months shall be proposed unless the notice bears the names of at least fifteen Councillors.

The above shall not apply to motions proposed in pursuance of a recommendation of the Cabinet.

14. Rules of Debate at all meetings of the Council

Speaking

- (1) A Councillor shall stand when speaking and shall address the Mayor. If two or more Councillors rise, the Mayor shall call on one to speak. The other Councillors shall remain seated unless rising to a point of order or in personal explanation.
- (2) Councillors shall, in speaking to or of each other, employ the title of "Mayor", "Deputy Mayor" or "Councillor" as the case may be.
- (3) A Councillor's speech shall be directed to the question under discussion or to a personal explanation or to a point of order. Speeches shall be addressed to the Mayor. No speech shall exceed the following time limits except by consent of the Council.
 - (a) Report of the Leader of the Council and of Cabinet Members up to 5 minutes
 - (b) Proposer of a Motion up to 5 minutes
 - (c) Proposer of a main amendment up to 5 minutes
 - (d) Reply to discussion on a motion or main amendment up to 3 minutes
 - (e) Reply to debate by proposer of a main amendment up to 3 minutes
 - (f) Any other case up to 3 minutes.

When a speaker has one minute of the allotted time remaining, a bell will be rung. At the end of the period of time, the bell will be rung again and the speaker will resume his/her seat whether or not he/she has concluded the speech.

- (4) Whenever the Mayor rises during a debate, a Councillor then speaking or standing shall be seated and the Council shall be silent.
- (5) The maximum length of time for the consideration of all such motions shall be 80 minutes. In the event that a motion is still being debated when the 80 minutes have elapsed the Mayor shall invite the proposer of the motion to

respond to the debate and the move straight to the vote.

Recommendations made to Council

- (5) Recommendations made to the Council by the Cabinet shall be proposed by the Leader of the Council or other appropriate Cabinet Member. Matters which are referred to the Council pursuant to the Call-In Procedure shall be the subject of a recommendation proposed by the Leader of the Council or in the absence of the Leader by an appropriate Cabinet Member.

Recommendations of the Cabinet shall be proposed collectively with the exception of:-

- (a) Recommendations in respect of which a main amendment has been submitted.
- (b) Where the Councillor who would otherwise propose the recommendations has declared a Members Interest.
- (c) Where a Councillor declines to propose a recommendation, it may be proposed by another Councillor who shall have the same rights to speak as the proposer of a recommendation.
- (d) Recommendations upon which in the opinion of the proposer there are grounds for reconsideration by the Cabinet on the basis of new information which has become available and which was not available when the Cabinet considered the matter. The proposer shall explain why the new information is sufficient for the matter to be reconsidered whereupon the recommendation shall be referred back without further discussion or vote unless it is proposed that the recommendation be considered by the Council forthwith and without further discussion the Council so resolves.

Amendments

- (6) If a proposed amendment is submitted in writing or electronically via e-mail to the Proper Officer not later than by 10am on the day before the meeting, it shall be considered to be a main amendment. All other amendments shall be considered to be secondary amendments.

[NB. a main amendment is subject to full debate by the Council. A secondary amendment may only be debated by the Council if the meeting agrees.]

- (7) No Councillor other than the proposer of the amendment or of the original motion shall be entitled to speak on a secondary amendment provided that any Councillor may request the Mayor and, if the Council agree, a secondary amendment may be treated as a main amendment.
- (8) Any Cabinet recommendation for which a main amendment has been submitted shall be proposed separately by the Leader of the Council or other appropriate Cabinet Member after the other recommendations of the Cabinet have been dealt with.
- (9) An amendment shall be relevant to the motion and shall be either to:-
- (a) leave out words; or

- (b) leave out words and insert or add others; or
- (c) insert or add words; or
- (d) refer a Minute back to the Cabinet for further consideration;

but such omission, insertion or addition of words shall not have the effect of introducing a new proposal or of negating the motion before the Council.

- (10) Immediately after an amendment has been proposed, the Mayor shall ask the proposer of the original motion if the amendment is accepted and if the proposer and the Council signify acceptance, the original motion shall be deemed amended accordingly and be debated as the substantive motion.
- (11) A motion and any amendments relating thereto shall be moved individually and shall be debated (but not voted upon) together. All amendments (subject to rule 14 (10)) shall be voted upon in the order that they were received.
- (12) If the amendment is lost, other amendments not substantially to the same effect as the amendment already lost, may be proposed on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be proposed.
- (13) No Councillor shall speak more than once on the same motion or amendment.
- (14) A motion or amendment may be withdrawn by the proposer with the consent of the Council which shall be signified without discussion and, after the proposer has sought permission to withdraw the motion or amendment, no other Councillor shall speak upon it unless such permission shall have been refused.

Alterations of Motions/Amendments

- (15) The proposer of a motion may, with the consent of the Council, signified without discussion, alter that motion.

Replies to Motions/Amendments

- (16) The proposer of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is proposed, the proposer of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The proposer of an amendment shall have a right of reply to the debate on that amendment, which shall not exceed 5 minutes and which shall be exercised immediately prior to the right of reply of the proposer of the motion.

Points of Order and Personal Explanation

- (17) A Councillor may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to:-
 - (a) an alleged breach of these Rules, or

- (b) an alleged breach of a statutory provision

The Councillor rising on a point of order shall specify the Rule or the statutory provision and the manner in which the Councillor considers it to have been breached.

A Councillor rising in personal explanation shall be confined to some material part of a former speech by the Councillor which may appear to have been misunderstood in the present debate.

- (18) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall be final and binding and shall not be open to discussion.

Extraordinary Meetings of the Council

- (19) Where an extraordinary meeting of the Council has been convened in accordance with Paragraph 3 of Part 1 of the 12th Schedule to the Local Government Act 1972 (meeting called by the Mayor) for the purpose of considering a motion or recommendation from individual Councillors, the rules of debate applicable to main amendments shall apply to the motion or recommendation.

15. Voting

- (1) Subject to Rule 15(2) - (5) below, every determination by the Council shall be by a show of hands.
- (2) On the request of any Councillor supported by two other Councillors, the voting on any determination by the Council shall be recorded ("a Named Vote"). The record shall show how each Councillor present and voting, voted and also the names of any Councillors present but not voting. The demand for the vote to be recorded must be made before the vote is taken.
- (3) At any meeting at which the Council is taking a budget setting decision as specified in the Local Authorities (Standing Orders) (Amendment) Regulations 2014, the voting shall be recorded by means of a Named Vote.
- (4) On the request of any Councillor supported by two other Councillors, the number of votes cast for and against any determination, together with the number of Councillors present but not voting, shall be recorded. The demand for the vote to be recorded must be made before the vote is taken. A vote so recorded shall be called a "recorded vote".
- (5) Where immediately after a vote is taken and any Councillor so requires there shall be recorded in the minutes of the meeting whether that Councillor voted for or against the determination or whether that Councillor abstained from voting.
- (6) When any position or positions is/are to be filled by the Council, nominations shall be sought and if, after nominations have closed there are more nominees than positions to be filled, a vote shall be taken, each Councillor having one vote only. The nominee(s) with the greatest number of votes shall be appointed to the position(s).
- (7) At the close of any speech two Councillors may propose and second without comment, "that the vote be taken", which motion, if accepted by the Mayor,

shall be voted upon immediately, without discussion. If the motion is carried, the Mayor shall put the question under consideration provided that such closure shall not prevent a proposer of a motion having the right of reply or preventing the moving of a motion or main amendment.

16. Disorderly Conduct

- (1) If at a meeting of the Council any Councillor, in the opinion of the Mayor notified to the Council, is guilty of misconduct by persistently disregarding the ruling of the Mayor or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Council, the Mayor or any Councillor may propose:-

- (a) that the Councillor named may not speak further on that item or for the duration of the meeting ;or
- (b) that the Councillor named be excluded from the meeting forthwith.

The motion, if seconded, shall be put and determined without discussion.

- (2) If a member of the public interrupts the proceedings at any meeting, the Mayor shall issue a warning. If the member of the public continues the interruption the Mayor shall order the removal of the member of the public from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Mayor shall order that part to be cleared.
- (3) In the event of general disturbance which, in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor, may without question, adjourn the meeting of the Council for such period as the Mayor in the exercise of absolute discretion shall consider expedient

17. Removal from Office

The Mayor, the Deputy Mayor, the Leader of the Council, Chairmen of Panels, Committees and Sub-Committees, members of Panels, Committees and Sub-Committees and any Councillor appointed to an office or to membership of any body, may be removed from such office or membership by resolution of the Council following a vote upon which at least two thirds of the Council (ie 34 Councillors or more) have voted in favour.

18. Matters of Urgency

- (1) Where the Proper Officer considers that a matter of urgency has arisen in connection with a non-executive function and requires a decision before the next regular meeting of the Council, the Proper Officer after consultation with the Chairman of the Scrutiny Panel , or in whose absence, the Deputy Chairman of the Scrutiny Panel, shall have the power to act and shall report the action to the next ordinary meeting of the Council; provided that no action shall be taken under this provision in any matter which cannot be delegated by the Council.
- (2) Where in the opinion of the Chairman of the Scrutiny Panel a matter has arisen in connection with a non executive function which cannot reasonably be postponed until the next ordinary meeting of the Council, then, if the

Chairman of the Scrutiny Panel and the Proper Officer following consultation with Group Leaders concur, a meeting of the council shall be held and such a meeting shall have power to reach a decision in the matter provided it is on which the Council would, in law, have power to decide.

19. Adjournment of Discussions and Closure of Council Meetings

(1)

- (1) The Mayor shall ensure that there are short breaks every 90 minutes during the meeting.
- (2) If the meeting is still proceeding at 10pm, the Mayor shall ensure that the item under debate is concluded and then close the meeting and automatically defer any items not dealt with to the next ordinary meeting of the Council.
- (2) When any Councillor is called by the Mayor to speak that Councillor may propose, without discussion, the adjournment of the meeting and no amendment shall be proposed to it unless it relates to the time of adjournment, and it shall be voted on without discussion.

20. Conduct of Meetings

- (1) The Proper Officer or nominee may, at any time, advise the Council on a matter of procedure.
- (2) No Councillor shall leave a meeting during a sitting of the Council without notice to the Mayor.
- (3) There shall be no smoking at Council meetings.
- (4) Discreet use of devices during public Council meetings for photography and filming is permitted but no flash photography will be permitted.
- (5) Audio recording of all public Council meetings by members of the public is permitted. The Council will audio stream meetings and make them available on the Council's website.
- (6) Discreet use of devices by Councillors during Council meetings for receiving messages and accessing papers and information via the internet is permitted.
- (7) The use of devices by Councillors for social media purposes during Council meetings shall be at the discretion of the Mayor.
- (8) All mobile telephones shall be turned to silent for the duration of Council meetings.

21. Interpretation

Following consultation with the Proper Officer, the ruling of the Mayor as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

Record of Decisions taken under Scheme of Delegation to Cabinet Members
6 July 2017 – 12 October 2017

Portfolio – Business and Culture					
Date	Number	Report Title	Author	Decision	Result
20/07/17	BUC-001-17	CBC Response to Tendring Publication Draft Local Plan	Laura Chase	To agree that the proposed response is submitted to Tendring District Council.	Agreed 27/07/17
20/07/17	BUC-002-17	CBC Response to Braintree Publication Draft Local Plan	Laura Chase	To agree that the proposed response is submitted to Braintree District Council.	Agreed 27/07/17

Portfolio – Commercial Services					
Date	Number	Report Title	Author	Decision	Result
None in this period					

Portfolio – Customers					
Date	Number	Report Title	Author	Decision	Result
None in this period					

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
6 July 2017 – 12 October 2017**

Portfolio – Housing and Communities					
Date	Number	Report Title	Author	Decision	Result
27/07/17	HOU-001-17	Dutch Quarter Window and Door Replacement Contract	Lynn Thomas	To agree to appoint the contractor Hazlemere Window Company Limited to deliver The Dutch Quarter Phase 2 Window and Door programme contract.	Agreed 03/08/17
29/08/17	HOU-003-17	Ground Source Heat Pump Pilot Project Harrison Court	Lynn Thomas	Agreement that the Council can enter into a lease for part of the site at Harrison Court to enable the installation of a Ground Source Heat Pump for the reasons set out in this report.	Agreed 06/09/17
08/09/17	HOU-004-17	Essex Faith Covenant	Andrew Harley	The Council should endorse, and become a signatory to, the Essex Faith Covenant and its shared set of principles and commitments.	Agreed 15/09/17
25/09/17	HOU-005-17	Disposal of 15 Northgate Street, Colchester	Lynn Thomas	To approve the Asset Management Group recommendation to dispose of 15 Northgate Street, Colchester, CO1 1HR on the open market. To authorise the Assistant Director of Corporate & Policy in conjunction with the Portfolio Holder for Housing and Communities, to agree offers made on the property and settle final terms and consequential matters to complete any sale.	Agreed 02/10/17

Agenda item 11

Record of Decisions taken under Scheme of Delegation to Cabinet Members 6 July 2017 – 12 October 2017

				To request to use the ring fenced HRA capital receipt to either fund the Housing Capital Programme or to provide the repayment of HRA debt in order to maximise the value of the receipt to CBC.	
29/09/17	HOU-006-17	Transparency Statement on Modern Slavery	Andrew Harley	That a Transparency Statement is published by the Council on its website for the second year by 30 September 2017 in accordance with Section 54 of the Modern Slavery Act 2015	06/10/17

Portfolio – Resources

Date	Number	Report Title	Author	Decision	Result
14/09/17	RES-003-17	Local Authority Mortgage Rates	Michelle Tarbun	To set the locally determined Interest Rate as 4.71% for the 6 months starting 1 October 2017	Agreed 21/09/17
20/09/17	RES-004-17	Supplementary Business Rates Relief Scheme	Jason Granger	To adopt the Supplementary Business Rates Relief Scheme as an addendum to the Council's existing Discretionary Rate Relief Policy	Agreed 27/09/17
26/09/17	RES-005-17	Conversion of the former Garrison Gymnasium into a community centre – contract award for building works	Elizabeth Flood	To agree to appoint the contractor Rose Builders to deliver Conversion of the former Garrison Gymnasium into a community centre.	Agreed 02/10/17

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
6 July 2017 – 12 October 2017**

Portfolio –Safer Communities and Licensing					
Date	Number	Report Title	Author	Decision	Result
None in this period					

Portfolio – Strategy					
Date	Number	Report Title	Author	Decision	Result
None in this period					

Portfolio – Waste and Sustainability					
Date	Number	Report Title	Author	Decision	Result
None in this period					

Report of	Assistant Director Policy & Corporate	Author	Hayley McGrath 508902
Title	2016/17 Year End Review of Risk Management		
Wards affected	Not Applicable		

This report concerns the review of the Risk Management work undertaken for the period 1 April 2016 to 31 March 2017.

1. Decision(s) Required

- 1.1 Note the risk management work undertaken during 2016/17.
- 1.2 Note the current strategic risk register.
- 1.3 Approve the proposed risk management strategy for 2017/18 and recommend to full Council that it be included in the Council's Policy Framework.

2. Reason for decision

- 2.1 Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.
- 2.2 During the year progress reports are presented to the Governance & Audit Committee detailing work undertaken and current issues. This report was presented to the Governance & Audit Committee on 25 July 2017, where they approved its referral to this meeting.
- 2.3 The Risk Management Strategy is one of the key corporate governance documents that supports the Constitution of the Council and forms part of the Policy Framework. Accordingly any amendments have to be approved by Full Council.

3. Key Messages

- The main risks on the register continue to be the potential impact of future central government decisions to reduce public funding, failure or inappropriate management of a strategic partner and the potential impact of the European Union referendum result. These are all outside of the direct control of the Council. However the impact of these risks can be mitigated, and risks identified in section 6 - Assets and Resources - are a reflection of the work that is undertaken to ensure that the organisation can respond to these challenges.
- Risk Management principles continue to be reinforced and embedded in the organisation. The 2015/16 Annual Audit Report, issued by the Council's external auditors, Ernst & Young, in December 2016, did not include any findings of anticipated risks occurring. This is further demonstrated by the 2016/17 internal audit review which provided a substantial assurance level.

4. Supporting Information

- 4.1 The aim of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.
- 4.2 In broad terms risks are split into three categories:
- Strategic – those risks relating to the long term goals of the Council
 - Operational – risks related to the day-to-day operation of each individual service
 - Project – consideration of the risks relating to specific initiatives
- 4.3 Strategic risks are essentially those that threaten the long term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally affect service provision, such as proposals to dramatically change welfare processes. Strategic risks are owned by members of the Senior Management Team.
- 4.4 Operational risks are those that threaten the routine service delivery of the Council. Each service area has their own operational risk register that details the risks associated with providing the service. These registers are reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them are reported to Senior Management Team on a quarterly basis, as these assist in the formulation of the strategic risk register.
- 4.5 Project risks are those that relate solely to the successful delivery of that specific project. They tend to be quantifiable issues, such as resource or time related, and constantly change and develop over the course of the project as each stage is completed. The lead on the project is responsible for ensuring that there is an appropriate risk register and high level issues are reported to the senior management team.
- 4.6 The Year End Review of Risk Management was considered by the Governance and Audit Committee at its meeting on 25 July 2017 and the minute of the Governance and Audit Committee is at Appendix 4 (to follow).

5.0 Summary of 2016/17

- 5.1 Health and Safety is a key part of managing operational risks and work continues to ensure that the Health and Safety framework is embedded across the organisation. A more detailed report will be provided to committee later in the year however key projects have included reviewing the support for lone workers and managing challenging customers.
- 5.2 Work has been undertaken supporting the Community Stadium and football club with their Safety Advisory Group (SAG), in particular with regards to the recent Olly Murs concert. Officers also support the Colchester SAG, reviewing the risk elements of event plans.
- 5.3 There were no fundamental changes to the processes used to identify and control risk, during 2016/17.
- 5.4 An audit of the risk management function was carried out in January 2017. This produced four level two recommendations. These related to managing the operational risk registers and
- 5.5 The risk registers for the Joint Museum Service and the North Essex Parking Partnership both continue to be produced and reported to the joint committees.

6. Strategic Risk Register

- 6.1 During 2016/17 the strategic risk register was reviewed by the senior management team every quarter and reported to the Governance & Audit Committee every six months. The current register is shown at appendix 1. These risks have been mapped onto a risk chart as shown at appendix 2.
- 6.2 The Corporate Governance Manager reviewed the strategic risks with each member of the Senior Management Team in March 2017, and in June the Performance Management Board (PMB) comprehensively reviewed the register to ensure that the identified risks were still appropriate.
- 6.3 A separate exercise was undertaken to review the actions highlighted on the register to ensure that they are suitable to control the identified risks and an audit review was carried out to verify that actions were being implemented.
- 6.4 A new risk has been added at 3.e – increase in challenging behaviour from customers, when the Council cannot meet the customer's expectations. Alongside partners being unable to provide support or having incorrectly signposted the customer to the Council.
- 6.5 There were no changes made to the scores following the review.

7. Risk Management Strategy for 2017/18

- 7.1 The Council's current approach to managing risk was introduced in 2006/07. A requirement within the strategy, and also of the annual audit assessment, is to review the approach each year to ensure that it is still appropriate to the Council's needs.
- 7.2 Therefore a review has been undertaken and the strategy has been updated for 2017/18. The revised strategy is attached at appendix 3. There are no fundamental changes proposed to the risk process with amendments only to external review comments and the updating of role titles.

8. Proposals

- 8.1 To note and comment upon:
- the Council's progress and performance in managing risk during 2016/17, and
 - the current strategic risk register.
- 8.2 To endorse the submission of the revised Risk Management Strategy for 2017/18 to Full Council for inclusion in the Policy Framework.

9. Strategic Plan References

- 9.1 The strategic risk register reflects the objectives of the strategic plan and the actions have been set with due regard to the identified key strategic risks. Therefore the risk process supports the achievement of the strategic objectives.

10. Equality, Diversity and Human Rights Implications

- 10.1 Whilst there are no direct equality, diversity or Human Rights implications from this report, the risk management process recognises the impact of the legislation and

controls have been implemented, including the completion of Equality Impact Assessments, to mitigate the risk.

11. Risk Management Implications

- 11.1 The failure to adequately identify and manage risks may have an effect on the ability of the Council to achieve its objectives and operate effectively.

12. Other Standard References

- 12.1 There are no particular references to Consultation, Publicity, Financial, Community Safety or Health and Safety implications as a result of this report.

Colchester Borough Council – Corporate Strategic Risk Register
July 2017 – September 2017

1. AMBITION											
Specific Risks		SCORE						Consequences	Actions	Owner	
		Current			Previous						
		P	I	O	P	I	O				
1a	In a period of public sector resource reductions the ability to have ambition and to deliver on that ambition.	3	2	6				Major changes needed to the town would not be delivered thus affecting the quality of life of its residents and businesses.	Ensure the KPI and SPAP reporting processes are effectively used to inform senior management and politicians about the performance and direction of the organisation.	Assistant Director Policy and Corporate	Sept 2017
1b	Unrealistic internal and external expectations on the speed of delivery.	3	3	9				Major downturn in public sector resourcing over the next few years will hamper the speed of delivery across the services provided.	Ensure that the organisation has a clear strategy for working effectively with businesses in the borough, to develop the economy.	Strategic Director of Policy and Place	Sept 2017
1c	The Council is unable to effectively influence changes in the Borough economy.	3	4	12				Poorer external assessments by independent agencies and loss of Council reputation.			
1d	Over reliance on a limited number of people limits ability to deliver our ambition.	3	3	9				The Borough Council loses its status and influencing ability at sub-regional, regional and national levels.	Manage the recruitment and development processes to ensure that the organisation has the appropriate skills and expertise.	Chief Executive	Sept 2017

2. CUSTOMERS											
Specific Risks		SCORE						Consequences	Actions	Owner	Timing
		Current			Previous						
		P	I	O	P	I	O				
2a	The expectations of our customers, set alongside the financial constraints will create challenges to service delivery, our channel shift ambitions and the reputation of the authority.	4	3	12				The Authority fails to deliver the standards of service and delivery which our customers expect, especially in relation to self-service and the reliance on IT capabilities.	Monitor the engagement and consultation processes, to ensure customers are able to inform service priorities and delivery, whilst managing their methods of interaction with the organisation. This will be evidenced by reporting the pattern of usage of the routes used by customers and savings achieved.	Strategic Director of Customer and Relationships	Sept 2017
2b	The expectation remains that the Council will step in to deliver services when other providers either fail or reduce service provision	3	3	9				The Council suffers from a loss of reputation as customers' expectations are not met. There is increased demand on existing services leading to a reduction in standards of delivery.	Ensure that Cabinet set a clear and consistent message about the role of CBC for customers and partners.	Strategic Director of Customer and Relationships	Sept 2017
2c	Impact of Welfare Reform will pose challenges to our resources in responding to rising customer need.	2	4	8				The Council fails to support our most vulnerable residents leading to an increase in crisis intervention.	Regularly monitor the impact of the resources allocated to the welfare reform project, to ensure that customers are supported with signposting to appropriate providers/partners.	Strategic Director of Customer and Relationships	Sept 2017

3. PEOPLE											
Specific Risks		SCORE						Consequence	Actions	Owner	Timing
		Current			Previous						
		P	I	o	P	I	O				
3a	Unable to compete with the private sector in the recruitment (and retention) of staff with key marketable skills	4	3	12				Decline in service performance Disengaged and demotivated staff Efficiency and productivity reduction	Communicate job opportunities and benefits of working at CBC clearly and imaginatively. Review opportunities to do things differently for key posts including considering the value of trading companies.	Assistant Director Policy and Corporate Assistant Director Policy and Corporate	Sept 2017 Sept 2017
3c	Staff motivation declines with an impact on service delivery, our capacity to make changes and implementation of budget efficiencies	3	4	12				Inability to meet changing requirements and needs Customer perceptions decline as we deliver less Loss of key staff	Monitor staff morale and trends using staff surveys and by monitoring the People Dashboard; and ensure good communications with staff, exploiting new technologies such as yammer. Implement the action plan for the People Strategy; ensuring that performance is regularly monitored. Regularly report the progress of the learning and development strategy, including financial considerations and business behaviours, and exploring training alternatives.	Assistant Director Policy and Corporate Assistant Director Policy and Corporate Assistant Director Policy and Corporate	Sept 2017 Sept 2017 Sept 2017

3. PEOPLE											
Specific Risks		SCORE						Consequence	Actions	Owner	Timing
		Current			Previous						
		P	I	o	P	I	O				
3e	There is an increase in challenging behaviour from customers, towards officers, when the Council cannot meet the customer's expectations. Alongside partners being unable to provide support or having incorrectly signposted the customer to the Council.	3	3	9				Officers suffer potential mental and physical issues as a result of confrontations. The ability to assist the customer is reduced. Service delivery declines	Ensure that the Health & Safety reporting process is used to record instances of violence and aggression, with regular reporting to senior management. Develop an on-line training tool for staff, for managing difficult situations. Liaise with partners, such as Police and health, about expectations for vulnerable customers. Both in terms of emergency response to issues and services that the Council can, and cannot, provide.		

4. HORIZON SCANNING

4. HORIZON SCANNING											
Specific Risks		SCORE						Consequence	Actions	Owner	Timing
		Current			Previous						
		P	I	O	P	I	O				
4a	To continuously assess future challenges to ensure Council is fit for future purpose	2	4	8				If not properly managed then either the Council will lose the opportunity to develop further or will have enforced changes to service delivery. Adverse impact on local residents / resources. Missed opportunities to boost local economy. Conflict between Council / Government agendas. Reduction in levels of service provision and potential withdrawal of services.	Regularly monitor national trends and policy changes, ensure that CBC is represented on specialist network groups.	Strategic Director of Customer and Relationships	Sept 2017
4b	Not taking or creating opportunities to maximise the efficient delivery of services through shared provision, partnerships or commercial delivery	4	3	12					Identify and maintain skill set required to meet future challenges, maintain partnership relationships	Strategic Director of Policy and Place	Sept 2017
4c	Failure by the Council to spot / influence at an early stage the direction of Central Government policies / new legislation.	3	3	9					Ensure that responses are considered and provided for consultations. Utilise specialist officer knowledge and ensure CBC representation on relevant working groups.	Assistant Director Policy and Corporate	Sept 2017
4d	Potential impact of future central government decisions to reduce public funding, including that of our partners	5	4	20					Maintain a constant review of the budget situation, incl impact of decisions from central government. Identify additional actions and areas for spending as necessary.	Chief Operating Officer	Sept 2017
4e	The outcome of the referendum to leave the European Union is leading to a number of uncertainties. At the moment it is unclear how this will impact on the Council, our communities and businesses. However, it does raise a potential set of risks that will need to be monitored.	5	3	15					Continue to monitor the progress of the exit from the EU, ensuring that there is a formal process for reporting potential impacts.	Strategic Director of Policy and Place	Sept 2017

P - Probability I – Impact O – Overall score

Low = 1 – 4 Medium = 5 – 9 High = 10 – 25

5. PARTNERSHIPS											
Specific Risks		SCORE						Consequence	Actions	Owner	Timing
		Current			Previous						
		P	I	O	P	I	O				
5a	Failure or inappropriate performance management of one or more strategic partnerships or key contracts E.g. Haven Gateway, LEP, Health, CBH	4	4	16				The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. Failure to deliver expected outcomes through partnerships	Set an assessment process for proposed strategic partnerships (to ensure that they will satisfy the Council's objectives) that needs to be signed off by EMT before commitment to new partnerships is made.	Strategic Director of Customer and Relationships	Sept 2017
5b	Change of direction / policy within key partner organisations and they revise input / withdraw from projects.	4	3	12				Requirement to repay external funding granted to partnership – taking on the liabilities of the 'withdrawn' partner.	Set a formal relationship / performance review process to be used by all partnerships and ensure results are reported to senior management. Ensure that Exec Board and Leadership review partnerships on a regular basis. Embed Scrutiny Cttee process for key partnerships including CBH and the Safer Colchester Partnership.	Strategic Director of Customer and Relationships	Sept 2017
5c	Potential inability to agree shared outcomes/ agendas with partners and the Council's ability to influence partner's performance.	3	4	12				External assessment of the Councils partnerships are critical and score poorly.			
5d	Working across the partners for delivery of the garden communities project encounters delay. The partners - Colchester BC, Tendring DC, Braintree DC, Essex CC and the landowners fail to agree objectives and actions	2	4	8				The project fails to deliver its objectives leading to increased costs as there would be delays in local plan progress and loss of reputation, as well as the long term effect on ability to generate investment into the area and meet housing and employment needs.	There is a joint shadow delivery Board that allows the Authorities to co-ordinate their actions and resolve issues.	Strategic Director of Policy and Place	Sept 2017

6. ASSETS & RESOURCES											
Specific Risks		SCORE						Consequence	Actions	Owner	Timing
		Current			Previous						
		P	I	O	P	I	O				
6a	Failure to protect public funds and resources – ineffective probity / monitoring systems	3	4	12				Service delivery failure Financial and reputational loss by the Authority Personal liability of Officers and Members. Legal actions against the Council Loss of stakeholder confidence in the Borough Inability to sustain costs	Ensure the outcomes of the assurance systems that form the internal control environment, (including Internal Audit, Risk Management, Budget process, Corporate Governance and performance management) are appropriately reported so that issues and concerns are managed and variances are spotted at an early stage.	Chief Operating Officer	Sept 2017
6b	Risk that Asset Management is not fully linked to strategic priorities and not supported by appropriate resources	3	4	12				Failure to deliver a balanced budget as planned.	Review the budget monitoring process to ensure it reflects the structure and co-ordinates finances across the whole Council not just individual service areas.	Chief Operating Officer	Sept 2017
								A need to use balances / reserves or to adapt financial plans to deal with impact of changes.			
								Required to use Reserves & Resources to fund capital priorities Severe impact on cash-flow leading to negative effect on performance targets	Ensure the continued development of the Revolving Investment Fund (RIF) and ensure that assets are used to their full commercial potential.	Strategic Director Policy and Place	Sept 2017

Continued.

6. ASSETS & RESOURCES											
Specific Risks		SCORE						Consequence	Actions	Owner	Timing
6c	Inability to deliver the budget strategy as planned.	3	4	12					Ensure effective use of the controls built into the annual budget strategy, to enable the organisation to respond quickly to changes. Include sensitivity analysis to consider the impact of potential changes to external funding/ income streams and the capacity of the organisation to deliver services. Consider income risks as part of budget strategy / budget plans.	Chief Operating Officer	Annual exercise. Council approves budget in Feb annually
6d	Failure to set aside sufficient capital funds for strategic priorities	3	4	12					Monitor the review processes for the medium term financial outlook, capital programme and HRA business plan processes, to ensure they are kept up to date and realistic.	Chief Operating Officer	Sept 2017
6e	Significant reliance on our ICT presents challenges in maintaining customer service in the event of service interruptions.	2	5	10					Ensure that the IT Disaster Recovery plan, and service plans, adequately reflect the organisation's requirements and provide an effective framework for maintaining service provision. Regularly review the IT development strategy to ensure it continues to support the organisations ambitions.	Assistant Director Policy and Corporate	Sept 2017

6. ASSETS & RESOURCES											
Specific Risks		SCORE						Consequence	Actions	Owner	Timing
6f	Increasing demands around information security create a risk in the event that security breaches occur	2	5	10					Review the IT security policies to ensure that they are fit for purpose and implement a training program for all staff.	Assistant Director Policy and Corporate	Sept 2017

SCORE DEFINITIONS	1 Very Low	2 Low	3 Medium	4 High	5 Very High
Impact	Insignificant effect on delivery of services or achievement of Strategic Vision & Corporate Objectives.	Minor interruption to service delivery or minimal effect on Corporate Objectives.	Moderate interruption to overall service delivery/effect on Corporate Objectives or failure of an individual service.	Major interruption to overall service delivery or severe effect on Corporate Objectives.	Inability to provide services or failure to meet Corporate Objectives
Probability	10% May happen – unlikely	10 -25% Possible	26 – 50% Could easily happen	51 – 75% Very likely to happen	Over 75% Consider as certain

Risks Removed

1e The resource implications, including ICT, staffing and financial, of the UCC FSR are greater than anticipated. Removed July 15.

1f The organisation fails to recognise the tensions between aspirations and statutory functions. Removed June 17

3b Failure to sustain adequate resource to support training and development because of the financial situation. Removed July 15.

3d Failure to provide effective and visible political and managerial leadership. Removed July 15

RISK MATRIX
JUL 17 - SEP 17

Low Risks	Medium Risks	High Risks
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Scoring 1-5

Risk Tolerance
Line

Probability of Occurrence	5 Very High			4e	4d	
	4 High			2a 3a 4b 5b	5a	
	3 Medium	1a	1b 1d 2b 3e 4c	1c 5c 6a 3c 6b 6c 6d		
	2 Low			2c 4a 5d	6e 6f	
	1 Very Low					
		1 Very Low	2 Low	3 Medium	4 High	5 Very high
Severity of Impact						

Removed Risks

1e The resource implications, including ICT, staffing and financial, of the UCC FSR are greater than anticipated. Re

3b Failure to sustain adequate resource to support training and development because of the financial situation. Ren



DRAFT Risk Management Strategy 2017/18

A guide to the Council's approach to managing risk. Draft for review.

July 2017

RISK MANAGEMENT STRATEGY

This document outlines the Council's commitment to managing risk in an effective and appropriate manner. It is intended to be used as the framework for delivery of the Risk Management function and provides guidance on developing risk management as a routine process for all services.

INTRODUCTION

The Council undertakes that this strategy will ensure that:

1. The management of risk is linked to performance improvement and the achievement of the Council's strategic objectives.
2. Members and the Senior Management Team own, lead and support on risk management.
3. Ownership and accountability are clearly assigned for the management of risks throughout the Council.
4. There is a commitment to embedding risk management into the Council's culture and organisational processes at all levels including strategic, programme, project and operational
5. All members and officers acknowledge and embrace the importance of risk management as a process, by which key risks and opportunities are identified, evaluated, managed and contribute towards good corporate governance.
6. Effective monitoring and reporting mechanisms are in place to continuously review the Council's exposure to, and management of, risks and opportunities.
7. Best practice systems for managing risk are used throughout the Council, including mechanisms for monitoring and reviewing effectiveness against agreed standards and targets.
8. Accountability to stakeholders is fully demonstrated through periodic progress reports and an annual statement on the effectiveness of and the added value (benefits) from the Council's risk management strategy, framework and processes.
9. The Council's approach is regularly assessed by an external, independent body against other public sector organisations, national standards and Best Practice.
10. The Risk Management Strategy is reviewed and updated annually in line with the Council's developing needs and requirements.

Endorsement by Adrian Pritchard, Chief Executive

“Colchester Borough Council is committed to ensuring that risks to the effective delivery of its services and achievement of its overall objectives are properly and adequately controlled. It is recognised that effective management of risk will enable the Council to maximise its opportunities and enhance the value of services it provides to the community. Colchester Borough Council expects all officers and members to have due regard for risk when carrying out their duties.”

A handwritten signature in black ink that reads "A. R. Pritchard." The signature is written in a cursive style with a long, sweeping underline.**WHAT IS RISK MANAGEMENT**

Risk Management is the control of business risks in a manner consistent with the principles of economy, efficiency and effectiveness. It is an essential performance management process to ensure that both the long and short term objectives of the Council are achieved and that opportunities are fully maximised.

Risk Management is not about eliminating risk, as this would limit the ability of the organisation to develop and deliver its ambitions. Its purpose is to recognise the issues that could effect the achievement of our objectives and develop actions to control or reduce those risks. Acknowledgement of potential problems and preparing for them is an essential element to successfully delivering any service or project. Good management of risk will enable the Council to rapidly respond to change and develop innovative responses to challenges and opportunities.

‘The Good Governance Standard for Public Services’ issued by The Independent Commission on Good Governance in Public Services states that there are six core principles of good governance including ‘Taking informed, transparent decisions and managing risk’. The document goes on to state ‘Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate responses and then provides assurance that the chosen responses are effective’.

BACKGROUND

A process for managing risks was first adopted by the Council in 2003 and since then has been developed to ensure that it continues to be an effective management system. This strategy defines Colchester Borough Council's definition of risk and the processes to be followed.

In broad terms risks are split into three categories:

- Strategic – those risks relating to the long term goals of the Council
- Operational – risks related to the day-to-day operation of each individual service
- Project – consideration of the risks occurring as a result of the Council's involvement in specific initiatives

The following are some of the practical ways that risks are managed and how effectiveness is measured:

- Creation of an overall strategic register.
- Creation of operational risk registers for all service areas.
- Consideration of risk in Committee reports.
- Development of a comprehensive risk register for the project management programme and consideration of risk as a project management tool.
- Successful internal and external assessment.
- Provision of advice to other authorities regarding our management of risk.

This has led to a practical and workable approach to managing risk and has resulted in the Council becoming more risk aware and actually taking more risks, as demonstrated by the comprehensive project risk register. Colchester is also highly regarded for managing risk by both our insurers and other authorities.

The 2016/17 internal audit of risk management gave a substantial assurance opinion. Three recommendations were raised during the audit relating to the update and reviewing of operational risk registers.

OWNERSHIP

The responsibility to manage risk rests with every member and officer of the Council however it is essential that there is a clearly defined structure for the co-ordination and review of risk information and ownership of the process.

Appendix 3 is from the CIPFA/SOLACE risk management guide, Chance or Choice. It is a generic map of responsibility for each part of the risk management process.

The following defines the responsibility for the risk management process at Colchester:

Cabinet – Overall ownership of the risk management process and endorsement of the strategic direction of risk management.

Portfolio Holder for Resources – Lead Member for the risk management process

Governance and Audit Committee – Responsible for reviewing the effectiveness of the risk management process and reporting critical items to Cabinet as necessary.

Performance Management Board (PMB) – Ownership of the strategic risks and overview of the operational risks. Actively support the Risk Management Strategy and framework.

Chief Operating Officer – Lead officer for the risk management process, demonstrating commitment to manage risk.

Assistant Director Policy & Corporate – Responsible for co-ordination of the risk management process, co-ordinating and preparing reports and providing advice and support.

All Assistant Directors – Ownership, control and reporting of their service's operational risks. Contribute to the development of a risk management culture in their teams.

All Employees – To understand and to take ownership of the need to identify, assess, and help manage risk in their individual areas of responsibility. Bringing to the management's attention at the earliest opportunity details of any emerging risks that may adversely impact on service delivery.

Internal Audit, External Audit and other Review Bodies – Annual review and report on the Council's arrangements for managing risk throughout the Council, having regard to statutory requirements and best practice. Assurance on the effectiveness of risk management and the control environment.

AIMS & OBJECTIVES

The aim of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.

The risk management objectives of Colchester Borough Council are to:

- Integrate risk management into the culture of the Council
- Ensure that there are strong and identifiable links between managing risk and all other management and performance processes.
- Manage risk in accordance with best practice
- Anticipate and respond to changing social, environmental and legislative requirements
- Prevent injury, damage and losses and reduce the cost of risk
- Raise awareness of the need for risk management by all those connected with the Council's delivery of services.
- Ensure that opportunities are properly maximised through the control of risk.
- Reduce duplication between services in managing overlapping risks and promote 'best practise'.

Risk Management forms an important part of the Council's system of Internal Control. Previously the Audit Commission assessed the function as operating at level 3 as part of their 'Use of Resources' review... However, the Use of Resources assessment is no longer carried out but the criteria laid down for each assessment level, set out in Appendix C, still provides a robust framework for delivering an effective service.

STRATEGIC RISK MANAGEMENT

Strategic risks are essentially those that threaten the long term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally effect service provision, such as proposals to dramatically change the corporate assessment process.

Strategic risks will be controlled using a register that will detail the risks and associated controls. The register will be owned by the Senior Management Team, with ownership for risks being assigned to individual officers, and will be reviewed every quarter. The strategic risks will be reported to the Governance & Audit Committee at least twice a year.

OPERATIONAL RISK MANAGEMENT

Operational risks are those that threaten the routine service delivery of the Council. Each service area will have their own operational risk register that details the risks associated with providing the service. These registers will be reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them will be reported to Senior Management Team on a quarterly basis, as these will help in the formulation of the strategic risk register.

LINKS

It is essential that risk management does not operate in isolation to other management processes. To fully embed a risk management culture it has to be demonstrated that risk is considered and influences all decisions that the Council makes. It is essential that there is a defined link between the results of managing risk and the following:

- The Strategic Plan
- Service Plans
- Revenue and Capital Budgets
- Annual Internal Audit Plan

ACTION REQUIRED

The following actions will be implemented to achieve the objectives set out above:

- Considering risk management as part of the Council's strategic planning and corporate governance arrangements.
- Ensuring that the responsibility for risk management is clearly and appropriately allocated
- Maintaining documented procedures for managing risk
- Maintaining a corporate approach to identify and prioritise key services and key risks across the Council and assess risks on key projects.
- Maintain a corporate mechanism to evaluate these key risks and determine if they are being adequately managed and financed.
- Establish a procedure for ensuring that there is a cohesive approach to linking the risks to other management processes
- Including risk management considerations in all committee reports
- Providing risk management awareness training to both members and officers.
- Developing risk management performance indicators.
- Establishing a reporting system which will provide assurance on how well the Council is managing its key risks and ensures that the appropriate Members and officers are fully briefed on risk issues.
- Preparing contingency plans in areas where there is a potential for an occurrence to have a significant effect on the Council and its business capability.
- Regularly reviewing the risk process to ensure that it complies with current national Governance Standards and Best Practice.
- Developing risk management links with key partners and contractors, to ensure that principles are adopted in all areas of service delivery.

REVIEW

To ensure that the risk management process is effective it will need to be measured and reported to P.M.B., Governance & Audit Committee and Cabinet. As well as a structured reporting process of risks and controls during the year there will need to be an annual review demonstrating the success of the following:

- The inclusion of risk management principles within Service Plans and budgets.
- The development of the Internal Audit plan based on the risk issues.
- Achievement against identified performance indicators.
- Members consistently ensuring managing risk is considered as part of the decision making processes within the Council.
- Service managers making recommendations that regard risk as an opportunity as well as a threat.
- Risk management principles being considered in service reviews, for example in areas such as options for change and service improvements.
- Changes in risk being independently identified and assessed by Service Managers
- Compliance with the use of resources criteria and self assessment requirements.

Suitable opportunities to benchmark the risk management service against other organisations should also be explored to ensure that it is effective and the work carried out by the Council conforms to best practise.

The three appendices attached give greater detail of key issues:

Appendix 1 – Outline of the risk management process

Appendix 2 – Details of how Risk Management will be reported.

Appendix 3 – CIPFA guidance on Risk Management Responsibilities

APPENDIX 1

The Risk Management Process

Risk Management is a continual process of identifying risks, evaluating their potential consequences and determining the most effective methods of controlling them and / or responding to them. The risks faced by the Council are constantly changing and the continual process of monitoring risks should ensure that we can respond to the new challenges. This process is referred to as the risk management cycle.

Stage 1 – Risk Identification

Identifying and understanding the hazards and risks facing the council is crucial if informed decisions are to be made about policies or service delivery methods. There is detailed guidance available on how to identify risks which includes team sessions and individual knowledge. Once identified a risk should be reported to the Head of Service who will consider its inclusion on the relevant risk register. If the risk is identified in between register reviews then it is reported to the Risk & Resilience Manager for information and the Head of Service is responsible for managing the risk.

Stage 2 – Risk Analysis

Once risks have been identified they need to be systematically and accurately assessed. If a risk is seen to be unacceptable, then steps need to be taken to control or respond to it.

Stage 3 – Risk Control

Risk control is the process of taking action to minimise the likelihood of the risk event occurring and / or reducing the severity of the consequences should it occur.

Stage 4 – Risk Monitoring

The risk management process does not finish with the risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of the risk has changed over time.

APPENDIX 2

Reporting

No matter how good the process to identify and control risks is, it will not be effective unless the information gained from it is reported and used to influence other management issues / processes. Therefore it is essential that there is a defined process and timetable for reporting the results of the risk management process to both members and officers.

Types of Report

- The strategic risk register is reviewed a minimum of twice yearly by P.M.B., with interim reports quarterly as required.
- Six monthly review of the operational risk registers and a summary report of these reviews to P.M.B.
- A six monthly report is provided to Committee (Governance and Audit) detailing the current strategic and high level operational risks and the progress made in controlling them.
- An annual report reviewing Risk Management activity and an action plan for the coming year – taking into account changes in methodology and results of internal and external reviews. Going to P.M.B., Governance & Audit and Cabinet. This needs to cover all of the three areas of risk
- Ad-hoc reports need to be provided to P.M.B. when new, significant risk issues arise.

The reports can be summarised as follows:

	Services	P.M.B.	Governance & Audit	Cabinet
Quarterly		Review of strategic risk register		
6 Monthly	Review of operational risk register	Summary of operational review from services	Progress report of strategic & high level operational risks	
Yearly		Scrutiny of annual progress report to cttee on R.M.	Endorsement of annual progress report on R.M.	Summary of past years work on R.M.

Appendix 3

Risk Management Responsibilities – CIPFA / SOLACE Guidance

	Framework, Strategy and Process	Identifying risk	Analysing Risk	Profiling risk	Prioritising action based on risk appetite	Determining action on risk	Controlling risk	Monitoring & Reporting	Reporting to external stakeholders.
Members	Agreeing the Framework, Strategy and Process Determined by Officers	Identifying risk	Analysing Risk	Profiling Risk	Determining the risk appetite and prioritising risk. Agreeing the priorities determined by officers			Reviewing the effectiveness of the risk management process.	Reporting to external stakeholders on the framework, strategy, process and effectiveness .
Risk Management Team	Providing advice And support to the executive Management Team and Members	Providing advice and support.	Providing Advice and support	Providing advice and support	Providing advice and support			Co-ordinating the results for reporting to the corporate management team and members	
Senior Management Team	Determining the framework, Strategy and Process	Identifying strategic and cross-cutting issues	Analysing Strategic and cross-cutting issues.	Profiling strategic and cross-cutting issues.	Determining the risk appetite and prioritising strategic and cross-cutting issues	Determining action on strategic and cross-cutting issues. Delegating responsibility for control.		Monitoring progress on managing strategic and cross-cutting risks and reviewing the implementation of the risk management framework, strategy and process. Reporting to members.	Reporting to external stakeholders on the framework, strategy, process and effectiveness.
Assistant Director Policy & Corporate	Providing Advice and Support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Co-ordinating the results for reporting to the executive management team and members	Preparing draft reports for the corporate management team and members to issue.
Service Managers / G.M.T's		Identifying service Risks	Analysing Service risks.	Profiling service risks.	Prioritising action on service risks.	Determining action on service risks. Delegating responsibility for control.		Monitoring progress on managing service risks. Reporting to the group management team	
Employees, contractors And partners		Maintaining awareness of risks and feeding these into the formal process.	Maintaining awareness impact of risks and feeding information into the processes				Controlling risk in their jobs.	Monitoring progress on Managing job related risks Reporting to the service manager.	

17 October 2017

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

Executive Summary

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.

The report also provides recommended that Full Council includes the Code in its Policy Framework which comprises all of the Authority's key policies.

1. Decision(s) Required

1.1 To review the following revised policies:

- Anti-Fraud and Corruption
- Whistleblowing
- Anti-Money Laundering
- Covert Surveillance
- Information Security
- Data Protection
- Income and Debt

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

2. Background

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

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

- 2.4 At its meeting on 21 October 2015 full Council adopted a statement of intent in relation to both Ethical and Corporate Governance which gave a high organisational commitment to zero tolerance of fraud, corruption and bribery. The Ethical Governance policies were also adopted as part of the Council's Policy Framework.

3. Review of Ethical Governance Policies

- 3.1 The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Information Security, Data Protection and Health & Safety policies were last reviewed by this Committee at its meeting on 11 October 2016.

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

Policy	No. of times invoked during 2016/17	Whether procedures effective
Anti-Fraud and Corruption	2	Policy procedures correctly followed including reporting to Police.
Whistleblowing	1	Process followed leading to referral to HR
Anti-Money Laundering	none	
Covert Surveillance	none	
Information Security	none	
Data Protection	1	Policy procedure was correctly followed including referral to the Information Commissioner who was satisfied with the Council's actions.

The above policies have been reviewed to ensure that they remain fit for purpose and no changes are proposed to the above policies which are appended to this report.

- 3.2 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.
- 3.3 The Covert Surveillance Policy was last considered by the Committee at its meeting on 7 March 2017 when it was updated following the results of an Office of Surveillance Commissioner inspection. The policy is included here for completeness. The Council has not sought any authorisations for the use of covert surveillance in the past year.
- 3.4 The only change to the Anti-Money Laundering Policy has been to include the disclosure form as an appendix for completeness. However, new regulations have been introduced which may require the policy to be subsequently reviewed once it is clear how they may impact on Local Authorities.
- 3.5 The Income and Debt Management Policy was approved by the Committee at its meeting on 7 March 2017. The policy clearly demonstrates how the Council will process income and recover debt. The policy introduced the Council's preferred payment methods which are now being promoted by services where possible and we are seeing reductions in the more expensive payment methods such as Cheques and Post Office Payment Cards. The preferred payment types are Direct Debit, Direct Data (which includes BACs payments),

Debit Card (Online and Automated Payment line) and Standing Orders. The policy also introduced revised debt write off limits which supported efficiencies within the management of accounts and debt recovery processes. There has been a significant reduction in the amount the printing and paper used where an electronic process has now been established.

- 3.6 The policy is proving effective however a change is proposed to the Housing Benefit Overpayment collection process contained at section 8 of the policy which is appended to this report. This would help to speed up the recovery process whilst reducing print and postage costs. The change removes a reminder and pre-legal letter, whilst using electronic communications such as text messaging and email to support a final reminder letter.

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 Borough.

5. Publicity Considerations

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

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

- 6.1 None.

Anti-Fraud and Corruption Policy 2017/18

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

October 2017

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ANTI-FRAUD AND CORRUPTION POLICY

1.0 INTRODUCTION

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

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

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

This policy has been created with due regard to the CIPFA better Governance Forum's Red Book 2 'Managing the Risk of Fraud', the CIPFA 2014 Code of practise on managing the risk of fraud and corruption and the Audit Commission Publication 'Protecting the Public Purse'.

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 authority, which is carried out to conceal the misappropriation of assets or otherwise for gain”.

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

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

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

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

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

3.0 CULTURE

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

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

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

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

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

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

4.0 RESPONSIBILITIES 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 National and Local Code of Conduct for Members, the Council's Constitution including Financial Regulations and Standing Orders and relevant legislation. Conduct and ethical matters are specifically brought to the attention of members during induction and include the declaration and registration of interests. Officers advise members of new legislative or procedural requirements.

4.2 Responsibilities of the Monitoring Officer

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

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

4.3 Responsibilities of the Section 151 Officer

The Strategic Finance Manager has been designated with the statutory responsibilities of the Finance Director as defined by s151 of the Local Government Act 1972. These responsibilities outline that every local authority in England 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 tax payers.
- Under these statutory responsibilities the Section 151 Officer contributes to the anti-fraud and corruption framework of the Council.

4.4 Responsibilities of the Senior Management Team

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

The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts and agency staff. The Council's formal recruitment procedure contains appropriate safeguards in the form of written references, the verification of qualifications held and employment history. 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 Standing Orders and Financial Regulations, 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 Procedure Rules in the Constitution, representatives of Internal Audit are empowered to:

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

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

4.7 Role of the Benefits Investigation

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 Ernst & Young through specific reviews that are designed to test (amongst other things) the adequacy of the Council's financial systems and arrangements for preventing and detecting fraud and corruption. It is not the external auditors' function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice. The Council contributes to the bi-annual 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 Standing Orders, due regard will be had to external and inspectorate recommendations.

The Council is aware of the high degree of external scrutiny of its affairs by a variety of bodies such as Government Inspection bodies, the Local Government 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 within its whistle blowing policies.

Detailed guidance on the investigation process is available separately.

5.1 Disciplinary Action

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

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

5.2 Prosecution

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

5.3 Publicity

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

6.0 AWARENESS 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 2017/18

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

October 2017

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WHISTLEBLOWING POLICY

1.0 Introduction

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

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

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

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

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

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

2.0 Aims and Scope of the Whistleblowing Policy

This policy aims to:

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

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

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

This concern may be about something that:

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

3.0 Safeguards

3.1 Harassment or Victimisation

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

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

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

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

3.2 Confidentiality

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

3.3 Anonymous Allegations

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

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

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

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

3.4 Untrue Allegations

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

4.0 How to raise a concern

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

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

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

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

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

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

Chief Executive, Adrian Pritchard ☎ 282211

Monitoring Officer, Andrew Weavers ☎ 282213

Section 151 Officer, Sean Plummer ☎ 282347

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.

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) your local Citizens Advice Bureau
- (b) relevant professional bodies or regulatory organisations
- (c) the police
- (d) Local Government 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, Public Concern at Work, can offer independent and confidential advice. They can be contacted on ☎ 020 7404 6609 or by email at whistle@pcaw.co.uk

8.0 Questions regarding this policy

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

9.0 Review

This policy will be reviewed on an annual basis.



Anti-Money Laundering Policy 2017/18

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

October 2017

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ANTI-MONEY LAUNDERING POLICY

1. Introduction

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

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

2. Scope of the Policy

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

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

3. Definition of Money Laundering

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

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

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

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

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

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

4. Requirements of the Money Laundering Legislation

The main requirements of the legislation are:

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

5. The Money Laundering Reporting Officer (MLRO)

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

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, Sean Plummer.

6. Client Identification Procedures

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

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

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

7. Reporting Procedure for Suspicions of Money Laundering

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

Your disclosure should be made to the MLRO using the disclosure report, 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 directions he may give you. 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 he must note the report accordingly; he can then immediately give his consent for any ongoing or imminent transactions to proceed.

In cases where legal professional privilege may apply, the MLRO must liaise with the 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 themselves.

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

10. Conclusion

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

11. Review

This policy will be reviewed annually.

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: Yes ☐ No ☐
money laundering (e.g. the Law Society) *[Please tick relevant box]*

If yes, please specify below:

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

If yes, please set out full details below:

Are you involved in a transaction which might be a Yes ☐ No ☐

prohibited act under sections 327-329 of the act and which requires appropriate consent from the NCA

[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:



Annex1

Use of Social Media in Investigations Policy and Procedure 2017/18

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	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 make contact with 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 offender's. 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 1998, 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 Information and Project Officer or the Monitoring Officer.
- 9.2 Personal data gathered by the Council is subject to the Data Protection Act 1998. 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;
 - 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
- 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 periodically and 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.

Code of Practice on Covert Surveillance 2017/18

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

October 2017

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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.

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 Office of Surveillance Commissioners' Procedures and Guidance in relation to covert surveillance by public authorities ("the Code"). This is available on the Home Office website:

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

The Home Office has also issued guidance ("the 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 yourself with the contents of the Code and the Guidance.

Other guidance is available on the Office of Surveillance Commissioner's website:

(www.surveillancecommissioners.gov.uk)

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

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

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

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

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

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 should seek advice from the Council's Legal Services.

2.3 Intrusive surveillance

"Intrusive Surveillance" is surveillance that is:

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

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

2.4 Covert Human Intelligence Sources

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

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

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 Regulations 2003 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;
Chief Operating Officer;
Executive Director; and Strategic Director.

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 Guidance. 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 Guidance states that the Council:

- **can** only grant an authorisation under RIPA for the use of directed surveillance where it is investigating criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.
- **cannot** authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment.
- **can** authorise use of directed surveillance in more serious cases as long as the other tests are met – ie 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 harmful method of meeting that purpose. The surveillance itself must be a proportionate response to the issue it is seeking to address. Consideration should be given to alternative methods of resolving the situation or obtaining the evidence sought and this should be documented.

Particular attention should be paid to the effect of the surveillance on the privacy of other persons ("collateral intrusion"). Measures should be taken to avoid or minimise intrusion. Any collateral intrusion should be taken into account when 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 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 at any time 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 NETWORKING SITES

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.

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

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

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

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, Monitoring Officer who will be responsible for:

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

13.0 COMPLAINTS

The Act, the Code and the Guidance are subject to monitoring by the Office of the Surveillance Commissioners. Any complaints regarding use of surveillance powers should be dealt with initially through the Council's Complaints and Compliments Procedure. If this

does not result in a satisfactory outcome for the complainant then they should be referred to:

The Investigatory Powers Tribunal

PO Box 33220

London SW1V 9QZ

Tel: 0207 035 3711

Website : www.ipt-uk.com

14.0 QUERIES ABOUT THIS CODE OF PRACTICE

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



Information Security Policy 2017/18

A guide to the Council's approach to
safeguarding information resources.

October 2017

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1. Introduction

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

2. Statement of Policy

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

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

All those who access information may be held personally responsible for any breach or misuse.

3. Obligations

- Only access systems and information for which you are authorised.
- Only use systems and information for the purposes authorised.
- Comply with all applicable legislation and regulation.
- Comply with controls communicated by the Information Asset Owner.
- Do not disclose confidential or sensitive information to anyone without the permission of the Information Asset Owner.
- Ensure confidential or sensitive information is protected from view by unauthorised individuals.
- Do not copy, transmit or store information to devices or locations (physical or digital) where unauthorised individuals may gain access to it; the security of devices and locations you use are your responsibility.
- Protect information from unauthorised access, disclosure, modification, destruction or interference.
- Keep passwords secret and do not allow anyone else to use your access to systems and accounts.
- Notify the Information Security Manager of any actual or suspected breach of information security policy and assist with resolution
- Co-operate with compliance, monitoring, investigatory or audit activities in relation to information.

4. Roles and Responsibilities

The Organisation

- Ensures compliance with law governing the processing and use of information.

The Chief Executive

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

Senior Information Risk Owner

- Assures information security within the organisation.
- Promotes information security at executive management level.
- Provides an annual statement about the security of information assets.

Information Security Manager

- Manages the investigation and mitigation of information breaches.
- Supports Information Asset Owners to assess risks and implement controls

Information Asset Owners

- Assess the risks to the information they are responsible for.
- Define the protection measures of the information they are responsible for, taking consideration of the sensitivity and value of the information.
- Communicate the protection controls to authorised users and ensure controls are followed.

Directors, Managers and Line Managers

- Ensure their employees are fully conversant with this policy and all associated standards, procedures, guidelines and relevant legislation; and are aware of the consequences of non-compliance.
- Develop procedures, processes and practices which comply with this policy for use in their business areas.
- Ensure all contractors and other third parties to which this policy may apply are aware of their requirement to comply.

Employees

- Conduct their business in accordance with this policy.
- Take responsibility for familiarising themselves with this policy and understanding the obligations it places on them.

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A current version may be obtained in the required format from Colchester Borough Council's ICT team.



Data Protection Policy 2017/18

A guide to the Council's
implementation of the Principles set
out in the Data Protection Act 1988

October 2017

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1. Introduction

In order to carry out its duties Colchester Borough Council has to collect and use information about the people with whom it works; members of the public; current, past and prospective employees; customers; suppliers and others. In addition, the Council often has to collect and use information in order to comply with the requirements of central government.

Colchester Borough Council will ensure that it treats lawfully and correctly all personal information entrusted to it.

2. Statement of Policy

The Council fully endorses and adheres to the Principles set out in the Data Protection Act 1998. ('the Act'). The Council will therefore ensure that all employees, elected members, contractors, agents, consultants, partners or anyone else who has access to any personal data held by or for the Council are fully aware of and abide by their duties and responsibilities under the Act.

This Policy and the procedures set down in it are reviewed annually to ensure that the Council continues to comply with all relevant statutory requirements.

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

This includes:

- the obtaining of personal data;
- the storage and security of personal data;
- the use of personal data;
- the disposal of or destruction of personal data.

The Council will ensure that data subjects have appropriate access, upon written request, to personal information relating to them and the right to correct, rectify, block or erase any incorrect data.

3. The Principles of Data Protection

Whenever collecting or handling information about people the Council will:

1. Ensure that personal data is collected and used fairly and lawfully;
2. Ensure that the purposes for which personal data is obtained and processed are specified and that data is not used for any other purpose;
3. Collect, process and retain personal data only when necessary;

4. Ensure that any data used or kept is accurate and up to date;
5. Ensure that data is disposed of properly as soon as it is no longer needed for the purpose specified when it was collected;
6. Ensure that all personal data is processed in accordance with the rights of the individual concerned
7. Ensure that appropriate security measures are taken to protect all personal data against damage, loss or abuse;
8. Ensure that the movement of personal data is done in a lawful way, both inside and outside the Council, and that suitable safeguards exist at all times.

4. Definition of Personal and Sensitive Information

The Act makes a distinction between 'personal data' and 'sensitive personal data':

Personal data is defined as data relating to a living individual who can be identified from that data, or from that data *and* other information which is in the possession of, or is likely to come into the possession of, the data controller. This will include any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

5. Roles and Responsibilities

Colchester Borough Council will ensure that:

- A member of staff is appointed who has specific responsibility for data protection within the Council;
- Any disclosure of personal data is in compliance with the law and with approved procedures;
- Anyone managing and handling personal information understands that they are legally bound to follow good data protection practice;

- Anyone managing and handling personal information is appropriately trained and supervised;
- Appropriate advice and guidance is available to anyone wanting to make enquiries about personal information held by the Council;
- Enquiries and requests regarding personal information are handled courteously and within the time limits set by the Act;
- All councillors are to be made fully aware of this policy and of their duties and responsibilities under the Act;
- Where it is necessary to share data that this is done under a written agreement setting out what is to be shared and how it is to be kept secure.

All managers and staff will ensure that:

- Paper files and other records or documents containing personal and or sensitive data are kept securely;
- Personal data held electronically is protected by the use of secure passwords which are changed regularly;
- All users must choose passwords which meet the security criteria specified by the Council;
- Staff working remotely from home or elsewhere must keep any Council owned equipment they use secure and prevent systems and data for which the Council is responsible being used or seen by members of their family or any other unauthorised person.

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

- Confirm in writing that they will abide by the requirements of the Act with regard to information obtained from the Council;
- When requested allow the Council data to audit the protection of data held on its behalf;
- Ensure that they and all persons appointed by them who have access to personal data held or processed for or on behalf of the Council are aware of this Policy and are fully trained in their duties and responsibilities under the Act;
- Indemnify the Council without limitation against any prosecutions, claims, proceedings, actions or payments of compensation or damages arising from the loss or misuse of data. Any breach of any provision of the Act will be deemed as being a breach of any contract between the Council and that individual, company, partner or firm.

The Council's Head of Information Security, supported by the Data Protection Officer, is responsible for:

- Ensuring the provision of cascade data protection training, for staff within the Council.
- The development of best practice guidelines.

- Ensuring compliance checks are undertaken to ensure adherence, throughout the authority, with the Data Protection Act.
- For conducting an annual review of this Data Protection Policy and the practices and procedures pertaining to it to ensure continuing compliance with all relevant statutory provisions.

An officer has also been designated in each service as responsible for ensuring that this Policy is adhered to.

The Council's Chief Executive Officer is the Accountable Officer ultimately responsible for ensuring that all information is appropriately protected.

6. Councillors

This policy applies to councillors, and all councillors are made aware of the advice produced by the Information Commissioners Office, which can be read by clicking on the link below:

<https://ico.org.uk/media/for-organisations/documents/1432067/advice-for-elected-and-prospective-councillors.pdf>

7. The Information Commissioner

Colchester Borough Council is registered with The Information Commissioner as a data controller.

The Act requires every data controller who is processing personal data to notify and renew their notification on an annual basis. Failure to do so is a criminal offence. Any changes to the type of data held or the purposes for which it is held must be notified to the Information Commissioner, within 28 days.

Designated officers will be responsible for notifying and updating the Data Protection Officer with regard to the processing of personal data within their department.

The Data Protection Officer will review the Data Protection Register with designated officers annually prior to notification to the Information Commissioner.

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Income & Debt Management Policy

Customer Solutions

October 2017

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1. Introduction

- 1.1 The Council is being increasingly commercial in every aspect and service. We balance the importance of supporting our vulnerable customers whilst increasing our income and streamlining processes.
- 1.2 It is important that the Council offers a wide range of easy payment methods to our customers which are available 24 hours a day to aid swift payment in a safe and secure way. The options available to our customers are continually reviewed and improved.
- 1.3 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.
- 1.4 This policy covers the collection and procedures of the following debts:
 - Council Tax
 - Business Rates (NNDR)
 - Housing Benefit Overpayment
 - Sundry Debts (including Commercial Rent)
 - Penalty charge notices
 - Mortgages and Shared Ownership Schemes

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 Team and the Income Team.
- 3.2 Sundry (Commercial) debts are more varied and can be dealt with by the Income Team in liaison with the individual services.
- 3.3 The below table shows the billing and recovery process in terms of team responsibility for the different types of debt.

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

For all types of income the following principles 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 streamline the number of available payment methods whilst improving self-serve options with the aim of reducing processing costs and onerous administration for outdated methods.
- 4.2 The Council's preferred methods of payments are:
- Direct debit
 - BACS
 - Online payments
 - Automated telephone line payments
- 4.3 Services should remove any payment options from promotional materials, bills or other correspondence other than the preferred payment methods. For recurring or regular charges Direct Debit must be promoted as the payment option. For one off charges an upfront debit card internet payment should be promoted followed by other self-serve options.
- 4.4 Payment options that create an administrative burden will be phased out. This will include payments by Cheque, Payment Card or Postal Order.

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

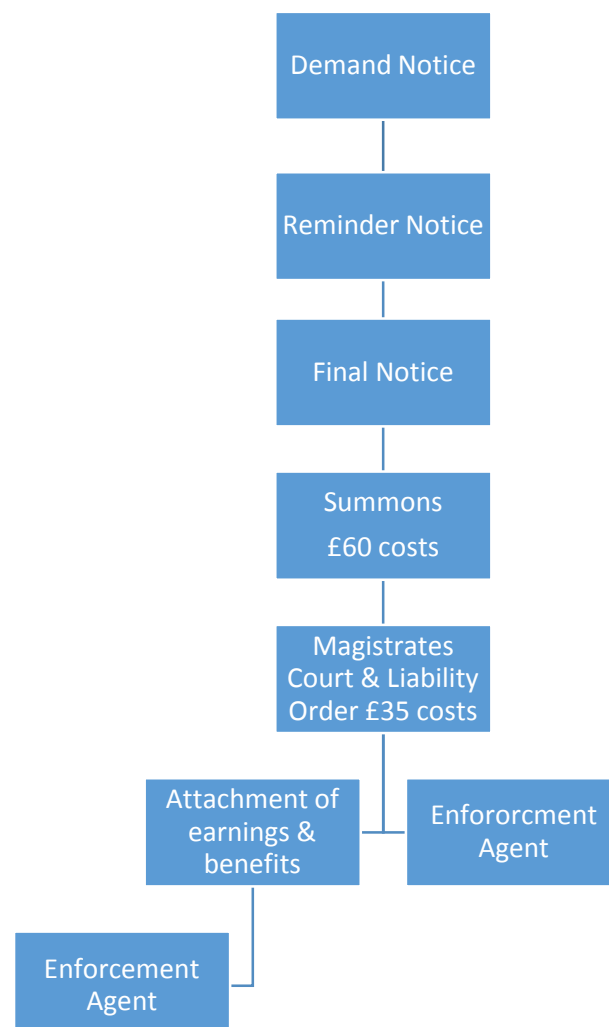
4.6 It is acknowledged that there may be exceptional circumstances where payments would be received in a method that is not preferred for example if a customer is very vulnerable or if they were in a formal enforcement process.

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 commence recovery action as soon as possible to maximise the probability of debt recovery.

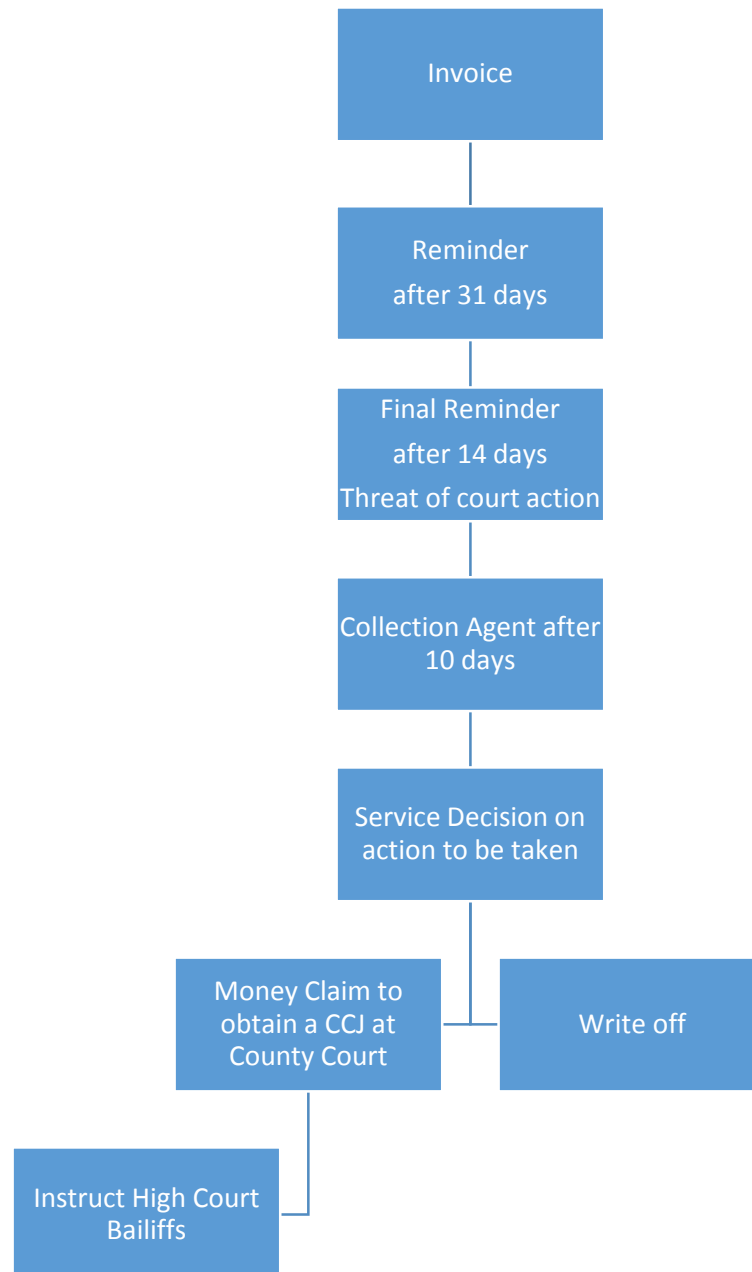
5.2 Reminders will use nudge and persuasive techniques that are most likely to attract prompt payment.

6.1 Council Tax and Business Rates Process



7. Sundry Debt Processes

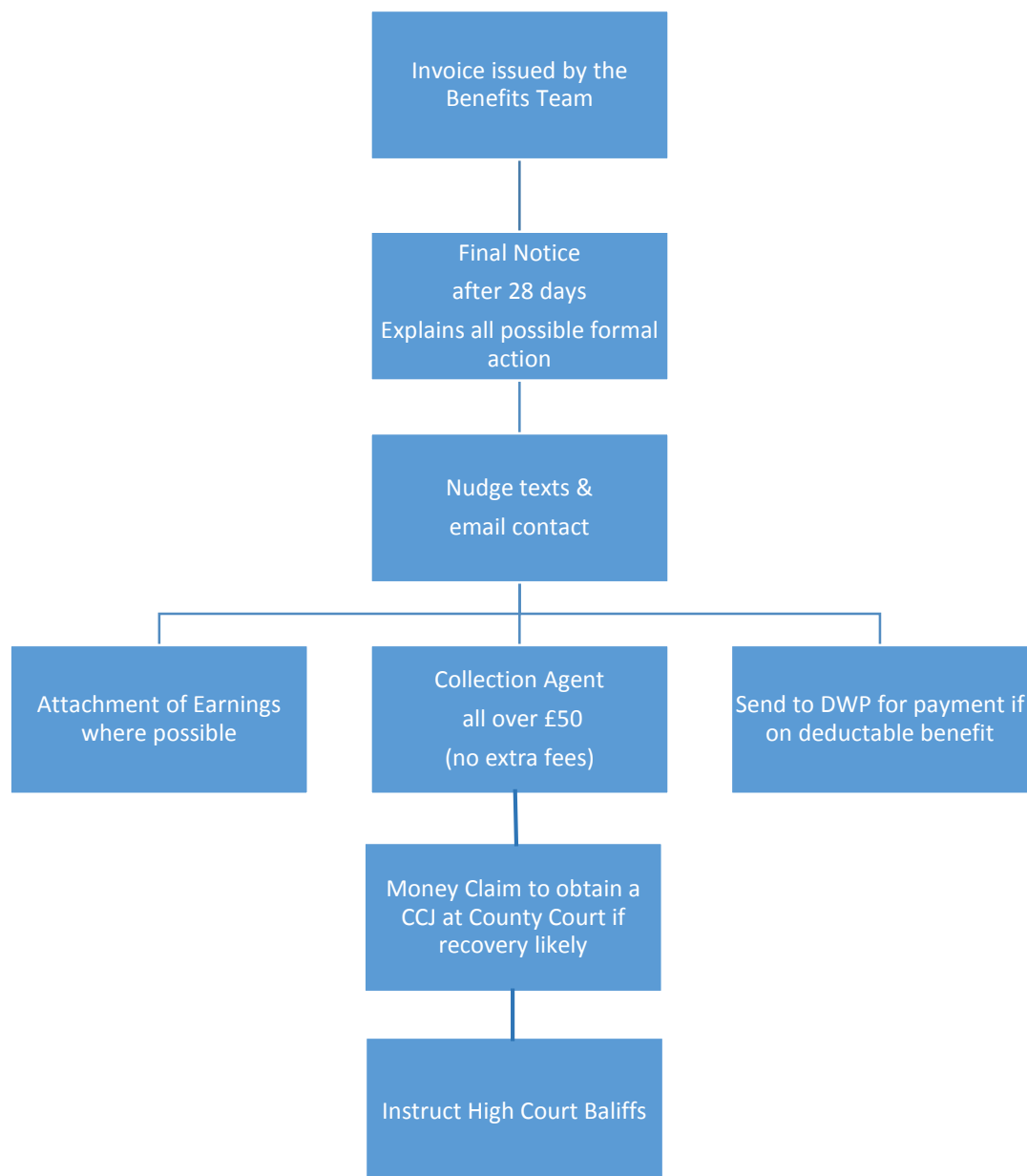
- 7.1 In the cases of sundry debts it is the service or relevant manager who should decide whether enforcement action should be taken. The income team will inform services of any debts owing to them and they should respond to say whether each case should then be enforced.



- 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

- 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.
- 9.2 When initiating recovery action the officer must also consider whether the debtor is vulnerable and how any action would impact on them.
- 9.3 The following enforcement options will be considered by Council Officers (as well as other options specific to an individual case):

10. Enforcement Agents (previously bailiffs)

- 10.1 All Enforcement Agents are regulated and have to 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.
- 10.2 There is a clearly defined stage process and Enforcement Agents can only charge fees for each stage when certain trigger actions have been completed.
 - Stage 1- Compliance stage £75.00
 - Stage 2 – Enforcement Stage £235.00 + 7.5% on the original debt over £1,500
 - Stage 3 – Sale Stage £110.00 + 7.5% on the original debt over £1,500

11. Attachment of Earnings, Fees or Benefits

- 11.1 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.

12. Bankruptcy Proceedings/Liquidation

- 12.1 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.
- 12.2 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.
- 12.3 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

13. Charging Orders on Property

- 10.1 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.

11. Committal Proceedings

- 11.1 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.
- 11.2 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.

12. Money Claim

- 12.1 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.
- 12.2 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.

13. Vulnerable customers and those who are in financial difficulty

- 13.2 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.
- 13.3 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.
- 13.4 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

14. Tracing and Searches

- 14.1 As part of the recovery process as 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.
- 14.2 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,
- 14.3 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.
- 14.5 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.
- 14.6 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.
- 14.7 If necessary the Council may ask a Revenues Inspector to carry out a visit to establish the status of a property.

15. Bad debts

15.1 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

15.2 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.

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

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

16. Complaints and errors

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

- 16.2 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>.
- 16.3 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.
- 16.4 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
- 16.5 Although the Council will make every effort to resolve a misrepresentation of the true situation, some issues can only be resolved by reference to the Courts.

Appendix 1

Standard Enforcement Actions for Mortgages and Shared Ownership Scheme

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

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

Mortgages

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

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

Shared ownership cases

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

Appendix 2

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

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

Parking enforcement is carried out in accordance with the provisions and procedures laid out in the Road Traffic Management Act 2004. A parking penalty 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.

10 October 2017

Report of

Strategic Director

Author **Carl Free**
01206 506579

Title

Health & Safety Policy 2017/18

Wards
affected

Not Applicable

This report requests the Committee to review the Health & Safety policy for 2017/18 and note a further report will be submitted.

1. Decision(s) Required

- 1.1 The Committee is requested to approve the revised Health & Safety Policy for 2017/18 and to recommend to Council that it be included in the Council's Policy Framework.
- 1.2 To note that a further report will be submitted to the Committee regarding the positive progress of health and safety, work undertaken during 2017 and the Council's future direction for health and safety management.

2. Reasons for decision

- 2.1 The Health & Safety Policy is an integral part of the risk management process. As such it is appropriate to provide an annual report to the Governance and Audit Committee, to assist with the Committee's responsibility for reviewing the effectiveness of risk management.

3. Supporting Information

- 3.1 Colchester Borough Council has general duties under the Health and Safety at Work etc. Act 1974 and specific duties under the Management of Health and Safety at Work Regulations 1999, to ensure that employees, and others who may be affected, can work safely without risk to their safety or health.
- 3.2 Overall responsibility for Health & Safety rests with Cabinet but is primarily managed by the Strategic Director with Health and Safety responsibilities, along with the Corporate Health & Safety Officer and Designated Officers within services, who form the Health & Safety Committee.

4. Policy for 2017/18

- 4.1 The Health & Safety policy sets out the Council's commitment to managing health and safety risks and the individual responsibilities, at all levels of the organisation.

- 4.2 The policy is supported by a set of arrangements that detail what the Council will do in practice to achieve the aims set out in the health and safety policy and successfully manage health and safety.
- 4.3 Both of these documents have been attached at appendices 1 and 2 respectively.

5.0 Summary of Policy outcomes during 2017

- 5.1 Audits of services and arrangements have been continued by the Corporate Health & Safety Officer for 2017. These have been completed for Waste & Recycling Service Services, and Lone Working Arrangements. Action plans have been produced, however there were no significant risks identified. Community Zones and Building Management audits are upcoming.
- 5.2 Following the lone working audit, a new improved lone worker monitoring system was considered and subsequently trialled. There was a very positive response from those who trialled the system and this has now been implemented with devices currently being rolled out to lone workers after training. The new system is a device which utilises GPS tracker and a 24/7 monitored SOS alarm to provide two way communication and assistance as required.
- 5.3 The internal audit of health and safety at Colchester Borough Council provided an opinion of “Substantial Assurance” and this was confirmed in the follow up review.
- 5.4 Fire Risk Assessments for all CBC corporate workplaces are being updated as part of the Corporate Health and Safety Officer’s 2017/18 work plan. Premises currently completed have all been considered suitable with good management of fire risks and none identified at a “high” risk level.

6. Proposals

- 6.1 To review and endorse the revised Health & Safety policy for 2017/18 and note a further report will be submitted.

7. Strategic Plan Implications

- 7.1 The failure to adequately identify and manage health and safety issues will affect the ability of the Council to achieve its strategic objectives.

8. Equality, Diversity and Human Rights Implications

- 8.1 Whilst there are no direct equality, diversity or Human Rights implications from this report, the Health & Safety process recognises the requirements of the legislation and controls have been implemented, including the completion of Equality Impact Assessments, to mitigate any impact.

9. Risk Management Implications

- 9.1 The failure to adequately identify and manage health and safety issues may have an effect on the ability of the Council to deliver effect services.

10. Other Standard References

- 10.1 There are no direct Publicity, Financial, Consultation, Community Safety or Health and Safety implications as a result of this report.



Health and Safety Policy 2017/18

October 2017

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1. INTRODUCTION

This policy sets out our commitment to the health, safety and wellbeing of those working for Colchester Borough Council and anyone else who interacts with the services that we provide.

As an employer, we are aware of our general duties under the Health and Safety at Work etc. Act 1974 and our specific duties under the Management of Health and Safety at Work Regulations 1999. Where additional legislation relates to the activities that we are carrying out we will also ensure that our duties are fulfilled and our employees and others who may be affected can work safely without risk to their safety or health.

We will monitor and review this policy and associated documentation as necessary, at least every three years, unless any significant changes occur in the meantime.

“Colchester Borough Council is committed to the health, safety and wellbeing of its employees, customers and anyone who interacts with our services. We strive to create an environment in which our employees feel that their health, safety and wellbeing is integral to the organisation. We encourage everyone to be part of this positive culture so that we can continue to improve our standards throughout the organisation.”

2. STATEMENT

Colchester Borough Council is fully committed to complying with its statutory duties under the Health and Safety at Work etc. Act 1974 and associated legislation. The Council values the health, safety and wellbeing of its employees and will take all reasonably practicable measures to ensure a safe and healthy working environment for all employees, contractors, the public and others that may be affected by its activities.

The Council recognises that good health, safety and wellbeing is integral to our organisational and business performance and our service delivery decisions will always consider the impact on health, safety and wellbeing. This will help to deliver the Council's philosophy of a positive safety culture.

The Council will maintain an appropriate health and safety management system and organisation structure to support its statutory duties. We will:

- Assess risks and put adequate control measures in place
- Consult with employees on matters affecting their health and safety
- Provide and maintain a safe place of work with safe plant, equipment and personal protective equipment
- Ensure safe use, handling and storage of substances
- Provide information, instruction, training and supervision for employees to ensure that they are competent to carry out their tasks
- Prevent incidents, injuries and cases of work-related ill-health
- Maintain safe and healthy working conditions

All employees are required to follow this health and safety policy at all times and adhere to their own statutory requirements. We encourage any comments over health and safety in the workplace and will actively seek to rectify any areas of concern.


All contractors and others employed by Colchester Borough Council to perform work or provide service are required to maintain health and safety standards in accordance with this policy.

The effectiveness of this policy will be monitored and reviewed as necessary, at least every three years or when circumstances otherwise dictate.



Councillor Paul Smith
Leader of the Council

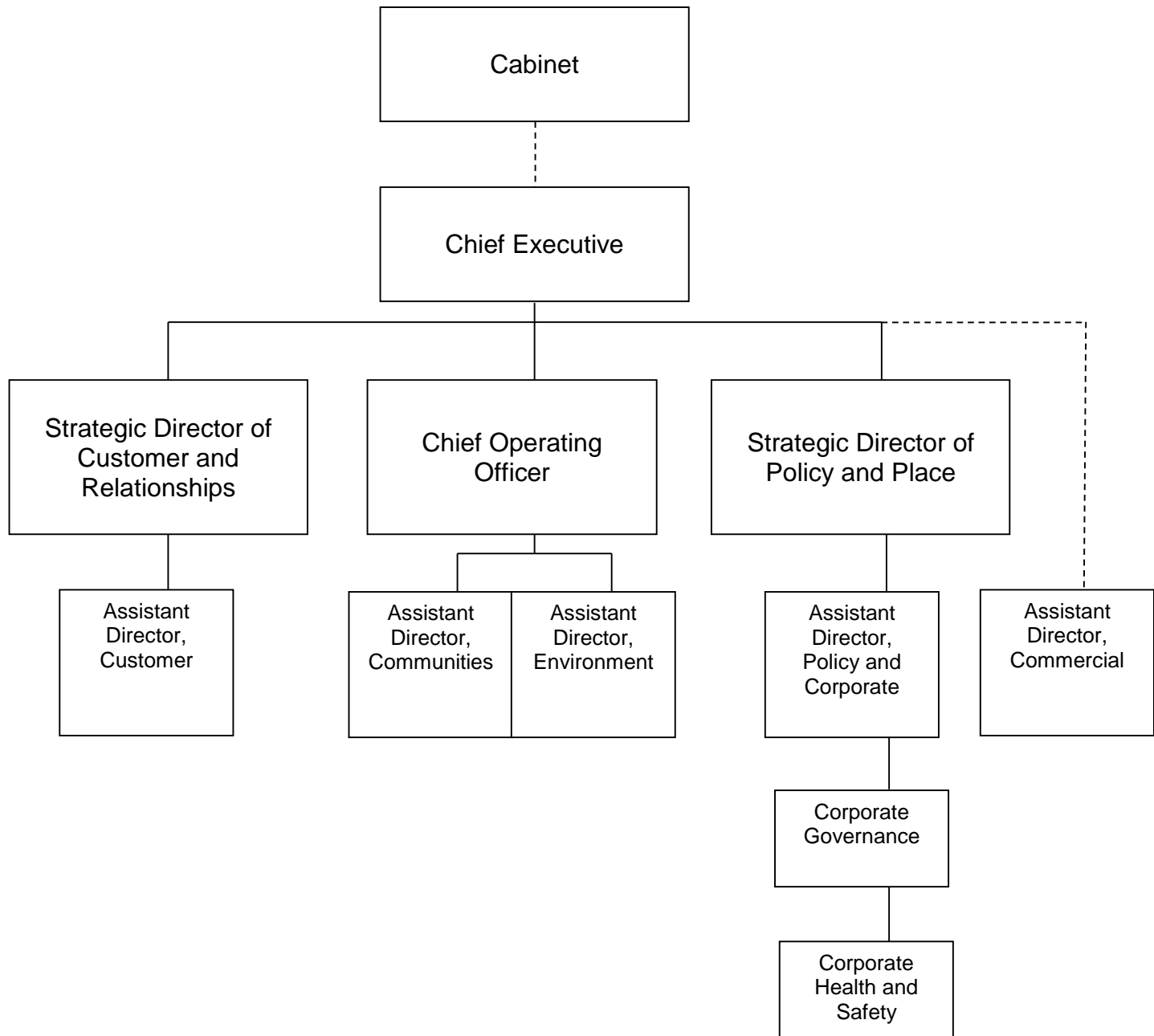
04 July 2016



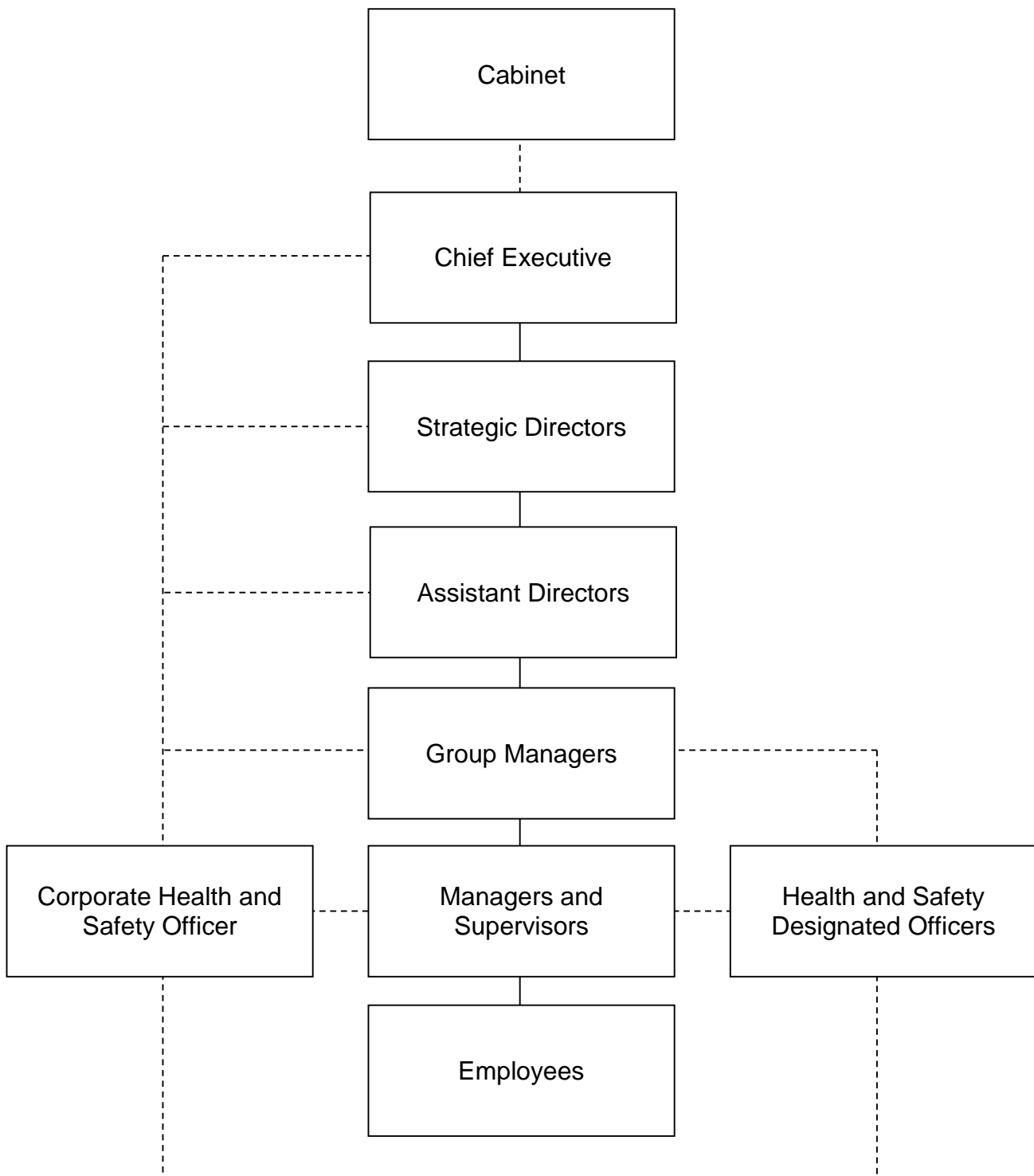
Adrian Pritchard
Chief Executive

3. ORGANISATION

3.1 Organisation Structure



3.2 Organisation Health and Safety Responsibilities



4. RESPONSIBILITIES

4.0 Leader of the Council and Cabinet

The Leader of the Council has the responsibility for the management and monitoring of health and safety provision across the whole of the Council's undertakings. Cabinet are jointly and severally the primary duty holders for health and safety across the Council's undertakings.

1. Ensure that adequate financial and other resources are provided, so that the health and safety policy can achieve its aims.
2. Give due regard to requests from the Chief Executive for financial and other resources to meet statutory duties and other obligations regarding health and safety management.
3. Ensure that the Chief Executive has in place an effective health and safety policy and management system, which will ensure that all health and safety hazards and risks within the Council are adequately controlled.
4. Require the Chief Executive to be able to confirm, during the reporting period; health and safety performance, any major incidents or failure in the health and safety management system, accident history and key improvements to health and safety that have been implemented.

4.1 Chief Executive

1. Overall responsibility for health and safety throughout the Council.
2. Support other duty holders to fulfil their health and safety responsibilities.
3. Preparation of an effective health and safety policy statement, organisation for carrying out that policy, measures for ensuring that it is implemented and communicated to all employees.
4. Ensure that this health and safety policy is reviewed, at least every three years or when circumstances otherwise dictate.
5. Ensure that health and safety is given an appropriately high priority and is not compromised, so putting employees or other persons at risk to their health and safety.
6. Ensure that the Executive Directors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
7. Ensure that the Executive Directors implement the policy through effective local arrangements and suitable monitoring arrangements.
8. Ensure that adequate financial and other resources are available to meet statutory duties and requirements of this health and safety policy.
9. Ensure that the Council has appointed a competent Corporate Health and Safety Officer for the purpose of advising on meeting its statutory duties and for advising and monitoring on health and safety.
10. Fulfil the responsibilities of the Executive Directors if services are under their direct management.
11. Set a personal example at all times with respect to health and safety.

4.2 Strategic Director (with Responsibility for Health and Safety)

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Chief Executive for health and safety within all Services.
3. Ensure that their Assistant Directors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Provide leadership on health and safety and support and promote continuous improvement programmes.
5. Lead the provision and function of the health and safety committee.
6. Monitor health and safety performance at Executive Management Team through quarterly updates, an annual review and ensuring health and safety is an agenda item.
7. Ensure that there is sufficient financial or other resource for effective health and safety management and identify any short falls in resources that may negatively impact health and safety.
8. Provide support to the Corporate Health and Safety Officer and Health and Safety Designated Officers.
9. Ensure that if any serious health and safety occurrence or failure in health and safety occurs, the relevant person/s are held accountable for any deficiency in fulfilling their responsibilities under the health and safety policy and will be required to demonstrate to the Executive Management Team, remedial actions have been implemented to prevent a similar reoccurrence.
10. Set a personal example at all times with respect to health and safety.

4.3 Chief Operating Officer and Strategic Director

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Chief Executive for health and safety within their Services.
3. Ensure that their Assistant Directors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Support and promote health and safety continuous improvement programmes.
5. Support the provision and function of the health and safety committee.
6. Monitor health and safety performance at Executive Management Team through quarterly updates, an annual review and ensuring health and safety is an agenda item.
7. Ensure that there is sufficient financial or other resource for effective health and safety management and identify any short falls in resources that may impact health and safety.
8. Ensure that if any serious health and safety occurrence or failure in health and safety occurs, the relevant person/s are held accountable for any deficiency in fulfilling their responsibilities under the health and safety policy and will be required to demonstrate to the Executive Management Team, remedial actions have been implemented to prevent a similar reoccurrence.
9. Set a personal example at all times with respect to health and safety.

4.4 Assistant Directors

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Chief Operating Officer or Strategic Director for health and safety within their Services.
3. Ensure that their Group Managers are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Support the development, modification and delivery of a health and safety management system and ensure local process compliance.
5. Support and promote health and safety continuous improvement programmes.
6. Monitor and review health and safety processes and performance in their Services, and include appropriate health and safety actions within relevant strategies and business plans.
7. Ensure that there is sufficient financial or other resource for effective health and safety management and identify any short falls in resources that may impact health and safety.
8. Identify health and safety training needs for their Service and ensure this follows the health and safety training matrix and is in line with the Council and legislative requirements.
9. Ensure that their Group Managers have suitable and sufficient risk assessments in place to eliminate or control and reduce risks to acceptable levels including those required under relevant statutory provisions and ensure these are supported by method statements where required.
10. Ensure that for any premises under their direct control and management, adequate arrangements are in place for fire safety management and supported by a suitable and sufficient fire risk assessment completed by a competent person.
11. Ensure there is a process to employ competent contractors with the correct skills, knowledge, attitude, training and experience.
12. Ensure that all materials, plant, vehicles, equipment and personal protective equipment procured for use comply with legislation, commercial and any other specific standards which ensure that it is safe and without risk to health when used correctly.
13. Support the carrying out of regular health and safety audits and inspections and ensure the outcomes of these are completed within the agreed timescales.
14. Ensure that if any serious health and safety occurrence or failure in health and safety occurs, the relevant person/s are held accountable for any deficiency in fulfilling their responsibilities under the health and safety policy and will be required to demonstrate to the Executive Management Team, remedial actions have been implemented to prevent a similar reoccurrence.
15. Set a personal example at all times with respect to health and safety.

4.5 Group Managers

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Assistant Directors for health and safety within their Services.
3. Ensure that their Managers and Supervisors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Ensure compliance with the local health and safety management system by assigning levels of responsibility to relevant competent persons as required.
5. Support and promote health and safety continuous improvement programmes.
6. Monitor and review health and safety processes and performance in their areas of remit and ensure regular health and safety audits and inspections are carried out and outcomes of these are completed within the agreed timescales.
7. Ensure suitable and sufficient risk assessments are in place to eliminate or control and reduce risks to acceptable levels including those required under relevant statutory provisions and ensure these are supported by method statements where required.
8. Ensure that all accidents, incidents and near misses that are work-related or happen on council premises are reported using the online incident report form as soon as possible and no more than 5 days after the accident or incident and an appropriate investigation takes place promptly with remedial actions implemented to prevent a similar occurrence.
9. Ensure that all employees within their group have appropriate information, instruction and training that follows the health and safety training matrix and is in line with the Council and legislative requirements.
10. Ensure that competent contractors with the correct skills, knowledge, attitude, training and experience are employed.
11. Set a personal example at all times with respect to health and safety.

The following may also apply, depending on their specific responsibilities:

12. Ensure that for any premises under their direct control and management, adequate arrangements are in place for fire safety management and supported by a suitable and sufficient fire risk assessment completed by a competent person.
13. Ensure that workplace welfare, housekeeping and general safety requirements are effectively managed.

14. Ensure that all materials, plant, vehicles, equipment and personal protective equipment procured for use comply with legislation, commercial and any other specific standards which ensure that it is safe and without risk to health when used correctly.
15. Ensure that all plant, vehicles and equipment is adequately maintained and subjected to statutory examinations where appropriate and relevant records are kept.
16. Ensure that all employees within their group are provided with the correct level of personal protective equipment as identified by risk assessments and that it is maintained or replaced when necessary.
17. Ensure that arrangements are implemented in respect to the requirements of the Construction (Design and Management) Regulations 2015.
18. Ensure health and safety is considered during tender of new contracts and contractors employed are competent with suitable health and safety arrangements in place. Monitor and review contractors' health and safety processes and performance.

4.6 Managers and Supervisors

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to their Group Manager for health and safety within their Services.
3. Read, understand and implement the requirements of the health and safety policy and health and safety management system.
4. Support and promote health and safety continuous improvement programmes and regularly communicate with employees on health and safety issues.
5. Monitor and review health and safety processes and performance in their areas, teams and premises and ensure regular health and safety audits and inspections are carried out and outcomes of these are completed within the agreed timescales.
6. Ensure that the requirements of risk assessments and method statements are implemented, in place during work and communicated to all employees within their team.
7. Ensure that all employees within their group have appropriate information, instruction and training that follows the health and safety training matrix and is in line with Council and legislative requirements.
8. Not to put any person at an unacceptable risk during the course of work and stop work where any new hazards are identified until the risk has been assessed and controlled and if required reduced to an acceptable level.
9. Ensure that all plant, vehicles and equipment are adequately maintained so it is safe for use and any defective plant, vehicles and equipment is withdraw from use immediately.
10. Ensure that all employees within their team have the correct level of personal protective equipment as identified by risk assessments and that it is maintained or replaced when necessary.
11. Receive, review and remedy any concerns in respect to health and safety. When concerns cannot be resolved at a local level, they shall be referred to the Group Manager and if still unresolved to the Corporate Health and Safety Officer.

4.7 Corporate Health and Safety Officer

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Review, develop and communicate the health and safety policy and management system in conjunction with other responsible duty holders.
3. Provide competent advice in relation to all health and safety matters and ensure duty holders are kept up-to-date on all relevant health and safety issues.
4. Ensure own competence is maintained through continual professional development.
5. Identify key health and safety training needs and advise on methods of implementation and delivery.
6. Provide a pro-active resource for the development and delivery of health and safety inspections and audits on an agreed programme basis.
7. Provide a reactive resource for the reporting, recording and investigating of accidents and incidents and provide statistical information to the health and safety committee.
8. Provide corporate safety initiatives and ensure there is a continual improvement programme for effective health and safety management and advise on the implementation of programmes.
9. Attend health and safety committee meetings and other relevant health and safety groups and provide guidance and advice where required.
10. Review the performance of health and safety within the Council as a whole, in conjunction with the Executive Management Team.
11. Provide a report to the Executive Management Team on a regular basis which details health and safety performance and update the Executive Director with health and safety responsibilities on all significant health and safety matters.
12. Ensure there is a continual improvement programme for effective health and safety management.
13. Provide a useful and relevant information service, with documents to assist others with their duties and ensure information is updated on a regular basis.
14. Communicate with and provide support, direction and guidance to Health and Safety Designated Officers and ensure they provide support on health and safety matters to duty holders within their area of remit in accordance with their responsibilities.
15. Support duty holders with enforcement agency requests for information, visits and inspections and if required, be the primary point of communication with relevant enforcement agencies.
16. Set a personal example at all times with respect to health and safety.

4.8 Designated Officers for Health and Safety

1. Support other duty holders within their areas of remit to fulfil their health and safety responsibilities.
2. Read, understand and implement requirements of the health and safety policy and health and safety management system.
3. Be the initial point of contact for health and safety guidance to colleagues and managers in their service area and refer to the Corporate Health and Safety Officer for advice and guidance as appropriate.
4. Support and promote health and safety continuous improvement programmes and regularly communicate with employees on health and safety issues, encouraging suggestions for improvement from colleagues and encourage them to report any health and safety concerns.
5. Attend all health and safety committee meetings or ensure that a suitable deputy attends if unavailable and prepare a report as required.
6. Support other duty holders ensuring that all employees within their responsibility have appropriate information, instruction and training that follows the health and safety training matrix and is in line with legislation.
7. Carry out health and safety review and monitoring as agreed with the Corporate Health and Safety Officer and ensure regular health and safety audits and inspections are carried out and outcomes of these are completed within the agreed timescales.
8. Set a personal example at all times and act as an ambassador with respect to health and safety.

Managers, at all levels, are responsible for the health and safety of their team - this cannot be delegated. However the Designated Officers can support and assist Managers with meeting their obligations.

4.9 Employees

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Read, understand and comply with the requirements of the health and safety policy and health and safety management system.
3. Take reasonable care of the health and safety of themselves and others who may be affected by their acts and or omissions.
4. Work safely at all times, in accordance with the information, instruction, training, risk assessments and method statements provided.
5. Use the correct plant, vehicles, equipment and materials for tasks and keep them in good condition and never use anything for which it is not intended or they are not trained or competent to use.
6. Comply with all safety control measures appropriately, including any personal protective equipment issued and never intentionally or recklessly interfere with or misuse anything provided in the interest of health and safety.
7. Attend and participate in all training provided in the interest of health and safety.
8. Report immediately to their Manager or Supervisor any accidents, incidents, verbal abuse, near misses, occupational diseases and health and safety concerns, including defects to personal protective equipment, plant, vehicle, equipment and material, and any hazards or risks believed to be inadequately controlled.
9. Set a personal example at all times with respect to health and safety.

5. DOCUMENT INFORMATION

Title :	Health and Safety Policy
Status :	Final
Version :	7 - October 2017
Consultation :	SMT, Health and Safety Committee, and Unison
Approved By :	SMT and Governance and Audit Committee
Approval Date :	October 2016
EQIA :	Yes - web link is shown here
Review Frequency :	Every three years or if change occurs
Next Review :	October 2019

5.1 Document Control

Date	Version	Description	Sections Affected	Approved by
September 2015	1	Initial draft	All	
April 2016	2	Updated draft. Moved arrangements to separate document.	All except 1 and 2	
June 2016	3	Updated following SMT meeting.	4.0 and 4.9	SMT
July 2016	4	Final draft version - Signatures added	2	Leader of Council and Chief Executive
August 2016	5	Minor amendments following Unison consultation. Final version.	2, 4.1, 4.3, 4.4, 4.5,	Unison and Executive Director
October 2016	6	Review and endorse the revised Health and Safety policy for 2016/17.	All	Governance and Audit Committee
October 2017	7	Annual review. Organisation structure and job titles updated. Minor amendments to improve comprehension.	All	Corporate Health and Safety Officer

Health and Safety Arrangements

These health and safety arrangements detail what the Council will do in practice to achieve the aims set out in the health and safety policy and how we will eliminate or reduce the risks of hazards.

This document will assist managers fulfil their responsibilities set out in the health and safety policy by identifying key elements and providing guidance for practical management of health and safety.

Statutory requirements, Council requirements and industry best practice are identified within the arrangements; however these may not be exhaustive and only provide a generic guide to health and safety. Every service, location and activity is different so must be adapted to the relevant circumstances and additional risks and controls must be considered.

Carl Free, the Corporate Health and Safety Officer can be contacted for further health and safety advice on: 01206 506579 or carl.free@colchester.gov.uk

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1 Audit & Review

1.1 Audit

An audit is a structured and objective process of collecting information in order to assess whether the system for safety management is working effectively.

Audits of services or arrangements are completed quarterly where possible by the Corporate Health and Safety Officer. In addition, quarterly inspections of all council corporate workplaces are completed by Designated Officers or responsible persons. An action plan is then produced and handed to the relevant managers. Reports on audits and inspections are presented at the health and safety committee and within the annual and half yearly health and safety report presented at SMT.

1.2 Review

Reviews are necessary to ensure that policies and procedures are kept up to date. We review these whenever any of the following circumstances occur:

- Changes in legislation
- Changes to work processes
- On the introduction of new equipment
- Where there are changes to personnel
- After an incident

If none of the above occur, then all policies and procedures are reviewed and updated on an annual basis.

3 Employee Consultation

Colchester Borough Council recognises its duties under The Health and Safety (Consultation with Employees) Regulations 1996 and the Safety Representatives and Safety Committees Regulations 1977.

It is the policy of Colchester Borough Council to consult with all employees over health and safety matters. We will provide all new employees with a copy of this Health and Safety Policy during their induction and publish it on the staff intranet known as 'COLIN'.

There is a health and safety committee within the Council which sits on a quarterly basis and is attended by staff and union representatives. Information is then disseminated to staff through the Designated Officers for Health and Safety. In addition, committee minutes are published online.

If we intend to make any changes to processes, procedures or equipment that may affect the health and safety of employees and contractors, we will consult with them before doing so.

We operate an open door policy with regards to reporting any concerns or suggestions for improvement and actively encourage this within the Council. Where an employee has made a comment regarding the health and safety of the company, the Health and Safety Officer will investigate and action accordingly.

4 Employee Welfare

4.1 Facilities

The Workplace (Health, Safety and Welfare) Regulations 1992 require that suitable welfare facilities are in place for employees. We provide and maintain the following for our staff:

- Toilets with hand washing facilities that have running hot/warm water
- Canteen areas with rest facilities and a means of preparing food
- Storage facilities for belongings where practicable.
- A supply of wholesome drinking water

Local arrangements are detailed during initial inductions to the Council.

4.2 Drug and Alcohol Policy

We are committed to providing a safe and healthy working environment for our staff and others. If staff are prescribed medication that may affect their ability to work safely, they should report this to their Manager. The Council's Drug and Alcohol Policy is under review. Additional information is provided in the Disciplinary Rules and Procedures.

4.3 Smoking

The company prohibits smoking in all workplaces including company vehicles and client premises. More information for employees is contained on COLIN. Local arrangements are explained during induction.

4.4 Occupational Stress

We recognise that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stress. We will monitor the workload and working hours of employees to ensure that they do not become overloaded.

We encourage all employees to discuss any issues that are concerning them. The Council has a Stress Policy and all employees are encouraged to report any concerns of stress.

There is information for Managers on COLIN which can help them to identify signs of occupational stress so that they can act accordingly.

The Council runs an Employee Assistance Programme through Workplace Options who offer personal support and advice on wellbeing, family matters, relationships, debt management, workplace issues, consumer rights etc. All employees are encouraged to use this service which is free of charge.

4.5 Violence, Discrimination and Harassment

Workplace violence is defined as verbal and physical abuse, including threatening behaviour and assault. This can occur amongst staff or between staff and customers. The Council has a Bullying and Harassment Policy.

The Council condemns all forms of discrimination and harassment and will not tolerate such acts. Disciplinary action will be taken should this occur within the workplace and all concerns should be reported immediately to Managers or Supervisors.

Due to the work carried out, we recognise that employees may at times encounter members of the public who act aggressively towards them. Whilst we take precautions and train our staff to diffuse these situations, unfortunately, they can occur. If a potentially violent incident occurs we ask employees to complete our electronic incident report form so that we can monitor and investigate such incidents accordingly. Once investigated, the manager will then ensure that a suitable resolution is implemented in order to support the member of staff concerned.

We also operate a Cautionary Contact Register (CCR) which contains the details of all members of the public who have behaved in a threatening manner towards Council employees. If employees encounter an individual who behaves in such a manner, they are advised to complete a Cautionary Contact Incident Report Form. This form is then reviewed by the CCR panel to decide whether details of the individual concerned should be entered onto the CCR following a process as described in the CCR Policy.

4.6 Lone Working

Lone working is discouraged wherever possible, but due to the services we carry out, we recognise that this is not always avoidable. As we have many employees who work alone, we operate a lone worker personal monitoring alarm system.

Services with employees who lone work must complete a risk assessment to identify the hazards and risks to lone workers and remove or reduce the risks to a suitable level through appropriate control measures.

Lone working guidance (including information on lone worker personal monitoring alarm systems) is available on the council intranet site 'COLIN'.

Employees are encouraged to be aware, trust their instincts, not ignore warnings, be alert, confident and keep fit, to aid self-protection.

Any physical assault or verbal abuse (above an individual's threshold) to employees must be reported using the online incident reporting form and an investigation carried out by the manager.

As part of the reporting process, the perpetrator can be nominated by the investigating manager for inclusion on the Cautionary Contact Register (CCR).

4.7 Personal Protective Equipment

Where a risk assessment has identified that PPE is necessary as the last resort to further control an identified hazard, this will be provided free of charge to all employees.

It is the Manager's responsibility to ensure that PPE is issued to all staff members who require it. They must also ensure that the person knows how to use and store this correctly as well as the procedure for reporting defects.

When defects are reported, the Manager needs to ensure that PPE is repaired or replaced before the employee needs it again.

Employees are reminded to use all PPE as instructed and not to interfere with any provisions that have been made with respect to health and safety.

5 Risk Control

5.1 Risk Assessment

Regulation 3 of the Management of Health and Safety at Work Regulations 1999 requires that employers carry out an assessment of reasonably foreseeable risks that may be faced by employees and anyone else affected by their activities.

The Health and Safety Officer has produced a bank of generic risk assessments which Managers and Health and Safety Designated Officers can then use to make specific for particular tasks. These are published on COLIN along with a blank template which can be downloaded and completed as appropriate.

Following this process, appropriate control measures are then put in place to reduce risks as far as reasonably practicable. We apply control measures in line with the generally accepted hierarchy of control:

Eliminate → Reduce → Isolate → Control → PPE → Discipline

COSHH assessments are carried out for all hazardous substances used in the workplace. Assessments of typical hazardous substances are published on COLIN for Managers to use and amend for their needs.

Fire Risk Assessments are carried out for each Council corporate workplace. A copy of each is held centrally and also at the site concerned.

It is our policy to communicate relevant risk assessments to all employees during their initial induction and at regular intervals. We also communicate any changes that have been made following a review.

Unless any changes occur to the processes, machinery used, people carrying out the work, or following an incident, we review our risk assessments on an annual basis to ensure that they remain relevant.

5.2 Hot Work Permits

Where work is carried out that creates a source of ignition, a hot work permit is required. This is to give the worker permission to carry out the work providing necessary precautions are taken.

Fire watches are required in line with the permit. Permits should only be cancelled by an authorised person after they are satisfied that all the conditions are met.

The necessary precautions are described on our standard permit which is available on COLIN.

5.3 Method Statements

Where a risk assessment shows that risks can be reduced further if a set way of working is in place, a method statement will be written by the relevant Manager or Health and Safety Designated Officer.

This document sets out a step by step approach to the task and must be followed in order to ensure that a task is carried out in a safe manner.

Examples method statements are available on COLIN as a guide for Managers needing to complete these for the tasks that workers carry out.

6 Induction and Training

6.1 Inductions

All new employees are given a company induction which includes the following:

- Health and safety information;
- Emergencies and fire arrangements;
- Welfare facilities and first aid;
- Accidents and hazard reporting;
- Risk assessments and training;
- Work prohibitions; and
- Personal protective equipment.

6.2 Training

A training matrix is in place which details mandatory health and safety training for all employees and recommended training for specific services/employees.

Mandatory training for is provided by the Health and Safety Officer and recommended training will be provided as decided by the Corporate Health and Safety Officer. Managers are responsible for providing recommended training within their services.

The e-learning portal also provides additional training that employees are encouraged to complete.

6.3 Supervision

All new employees are supervised when they first join the Council. Ongoing supervision is then carried out by Managers and Supervisors as appropriate.

7 Accident and Incident Reporting and Investigation

As required under the Reporting of Incidents and Diseases and Dangerous Occurrences Regulations 2013 (as amended), once an accident has been reported we will:

- Provide first aid if qualified to do so
- Call the emergency services if required
- Ensure that the area is undisturbed to allow an investigation to be carried out

We operate an online reporting system which employees are encouraged to complete as soon as possible after the event and no more than 5 days after its occurrence.

If the injury is serious or fatal, then the HSE will be notified by telephone on: 0845 300 9923.

If the accident results in an over 7 day incapacitation (not including the day of the accident), the Health and Safety Officer will report this to the HSE using the correct form at www.hse.gov.uk/riddor

If the accident results in 3 days absent from work, we will keep a record of this, but are not obliged to report this to the HSE.

The Health and Safety Officer will monitor reported incidents to identify trends and report matters to SMT on a regular basis. Where relevant, we will implement an action plan to make necessary changes to prevent recurrence, review the risk assessments and control measures as appropriate.

We actively encourage all staff to report all near misses in the workplace as this will allow us to investigate and see where improvements can be made before future accidents occur.

8 Emergency Arrangements

8.1 Fire Procedures

The Chief Executive recognises his duties as overall Responsible Person for Colchester Borough Council under the Regulatory Reform (Fire Safety) Order 2005.

A fire risk assessment has been carried out for all Council 'Corporate' premises. These are held at each site within the Fire Log Book. We carry out a review of these whenever any significant changes are made to building layouts or processes carried out in them.

All fire protection measures are inspected and serviced in line with regulatory requirements. This is managed at each premises by the Health and Safety Designated Officer or respective Manager for the site.

Our emergency arrangements are made known to our employees during induction and are displayed at conspicuous places throughout each place of work. This information is also communicated to all contractors and visitors to our buildings.

We have designated incident controllers and fire marshalls for each of our sites. These people are trained to carry out this role and we carry out fire drills on a regular basis to ensure that the arrangements remain effective.

8.2 First Aid

Colchester Borough Council recognises its duties under the First Aid Regulations 1981 to supply adequate and appropriate first aid equipment, facilities and people to assist in an emergency. Each place of work has dedicated first aiders. Their details are included in the inductions carried out for all new starters. Should this person change, updated information will be communicated as appropriate.

The Health and Safety Designated Officers for each site are responsible for monitoring and re-stocking first aid supplies. Employees are encouraged to inform them if stocks need replenishing.

9 Workplace Safety

Colchester Borough Council recognises our duty to ensure that the workplace is safe for our employees and anyone else who may visit our premises or use our services. This includes the equipment that we supply to employees as well as the environment in which they work.

9.1 Electrical Equipment

The Electricity at Work Regulations 1989 requires that all portable electrical equipment is checked at regular intervals. We encourage all staff to check electrical equipment before use and to take out of service and report any defective equipment.

We will ensure that all portable electrical equipment is maintained along the following guidelines, as suggested by the Health and Safety Executive:

Equipment	User Check	Formal Visual Inspection	Combined Inspection and Testing
Battery operated items less than 40 volts	No	No	No
Low voltage items such as telephone equipment	No	No	No
Display screens Desk top computers	No	Yes: 2 – 4 years	No if double insulated, otherwise up to 5 years
Photocopiers Fax machines (not hand held & rarely moved)	No	Yes: 2 – 4 years	No if double insulated, otherwise up to 5 years
Class II Double insulated equipment: Fans Table Lamps (not hand held & moved occasionally)	No	Yes: 2 – 4 years	No
Class II Double insulated equipment: Floor Cleaners Hand held & mobile	Yes	Yes: 6 months – 1 year	No
Class I earthed equipment: Kettles Kitchen equipment Irons	Yes	Yes: 6 months – 1 year	Yes, 1 – 2 years
Cables, leads & plugs connected to the above equipment Mains voltage extension leads Battery charging equipment	Yes	Yes: 6 months – 4 years dependant on the type of equipment it is connected to	Yes, 1 – 5 years depending on the type of equipment it is connected to

9.2 Workstations and Display Screen Equipment

As required under the Health and Safety (Display Screen Equipment) Regulations 1992, we carry out a risk assessment for users of display screen equipment. A copy of this is published on COLIN along details to explain the process.

When any new member of staff starts work at the Council, they are asked to carry out a DSE/Workstation assessment with their Supervisor/ Manager. If there are any further concerns, they are encouraged to discuss these with the Health and Safety Officer.

We encourage all users to take regular breaks, such as 5 minutes every 30 minutes or a 30 second micro break every 10 minutes.

As the Council operates mobile 'hot desk' working, all employees are encouraged to take a few minutes at the start of each day to ensure that they have set their workstation up correctly.

The ongoing management of DSE and workstations is the responsibility of the employee and their Manager. If necessary the matter will be referred to Occupational Health. In addition, where employees have consulted a medical professional who has confirmed that there is a need for a formal assessment and potentially specially made equipment, this matter will be referred to the Health and Safety Officer.

9.3 Work Equipment

In line with the requirements of the Provision and Use of Work Equipment Regulations 1998, all equipment used in the workplace will be selected for its suitability for the tasks required and will be used and maintained in accordance with the manufacturer's instructions.

Risk Assessments are completed for equipment used in the workplace by managers.

Users are required to carry out a visual check before using any equipment. Where they have concerns over the safety of the equipment, they are to report this immediately to their Manager or Supervisor and take the equipment out of circulation until it have been assessed.

Where any work equipment is hired, we will ensure that this is accompanied by the relevant inspection records to show that it is safe to use.

9.4 Noise and Vibration

We recognise that some equipment used by employees creates noise and vibration which needs to be controlled. Employees are given instruction on the correct use of machinery to reduce noise emissions and are provided with the information gained from risk assessments.

Where the risk assessments identify that PPE is required to further reduce risk, we provide employees with the necessary items and will monitor the use. We encourage employees to raise any concerns they may have about using this type of equipment and will investigate this accordingly.

9.5 Work at Height

Council employees may have to work at height in their activities. They are required to work in accordance with our risk assessments and to use all access equipment in accordance with the training that they have been given.

All access equipment owned by the Council is inspected as required to ensure it is fit for purpose. Anyone using a ladder is required to visually check it for any damage before use. If damage is found they are to take this out of use, label it accordingly and report this to their Manager or Supervisor.

9.6 Manual Handling

Employees are encouraged to avoid manual handling wherever possible by using lifting and carrying aids when moving goods. Where manual handling cannot be avoided employees should do this as a two person operation.

A manual handling risk assessment must be completed by Managers to ensure hazards are considered and suitably controlled and updated with the activities of their staff.

9.7 Housekeeping

We encourage all employees to maintain a clean working area and to keep all walkways free from belongings and other items. Bins are provided for all rubbish and employees are encouraged to regularly clear their work areas.

We endeavour to keep all external routes clear and to dispose of rubbish in the appropriate manner.

10 Company Vehicles

The Council publishes a Vehicle User's Handbook which incorporates the Driving for Work Policy. In addition, it provides guidance for those employees who operate a Council owned vehicle.

The Council has a Fleet Working Group which meets on a regular basis to discuss the way in which vehicles are operated throughout the Council.

We ensure that all our vehicles are insured, taxed and have a valid MOT where applicable.

It is standard policy for all drivers to have a break of 45 minutes when driving for any 4.5 hour period.

All new staff should provide their driving licence and the Council will ask to see this on an annual basis. Staff are required to present their driving licence should anything change within this interval. Any employees who drive company vehicles should report any situations which may have an effect on their ability to drive, such as the use of medication that causes drowsiness.

11 Hazardous Substances

We recognise our duties under relevant legislation and have the following procedures in place to satisfy the requirements:

11.1 Asbestos

The majority of asbestos within Council owned buildings was removed as part of an initiative in 2004.

Where this has been left in situ, it has undergone an asbestos management survey from which an asbestos register has been developed. A management survey assesses the condition of any remaining asbestos for normal occupation of the building. Any contractors who arrive to carry out work in our buildings are required to read the register which is held at reception for individual premises and sign to confirm that they understand where asbestos is located. Before any work is carried out that affects the fabric of a building, a refurbishment and demolition survey is carried out which identifies the exact location so that it can be dealt with appropriately.

11.2 Substances Hazardous to Health

The Control of Substances Hazardous to Health 2002 requires employers to make assessments of the risk to the health and safety of employees when using hazardous substances.

COSHH assessments are carried out for all hazardous substances used in the workplace. COSHH assessment templates are available on COLIN for Managers to use and amend to the specific requirements for their members of staff.

11.3 Biological Hazards

Due to the work carried out by some of our employees, it is likely that at some point they may come into contact with biological hazards. The principal identified hazards being bird droppings, discarded needles, rats and animal faeces. These matters are taken into consideration when risk assessments are carried out by the relevant managers and appropriate personal protective equipment is issued where required.

11.4 Legionella

Legionella is managed in all corporate buildings by Colchester Borough Homes. All buildings have been subject to a water hygiene risk assessment and have a scheme for control in place.

Report of **Monitoring Officer** Author **Andrew Weavers**
282213

Title **Review of Local Code of Corporate Governance**

Wards affected Not applicable

Executive Summary

This report requests the Committee to review the Local Code of Corporate Governance for 2017/18. The Local Code of Corporate Governance is how the Council demonstrates that its structures comply with the recognised principles of good governance.

The report also provides recommended that Full Council includes the Code in its Policy Framework which comprises all of the Authority's key policies.

1. Decision Required

- 1.1 To review the updated Local Code of Corporate Governance for 2017/18 and to recommend to Full Council that it be approved for inclusion in the Council's Policy Framework.

2. Background

- 2.1 In 2007 CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives) issued "Delivering Good Governance in Local Authorities", a guide to ensuring that local authorities are appropriately governed. This was updated in December 2012.
- 2.2 Governance is defined as the systems and processes, and cultures and values, by which an organisation is directed and controlled and through which it accounts to, engages with and, where appropriate, leads their communities. It is about how Colchester Borough Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner
- 2.3 The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Members and Officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal.
- 2.4 Therefore a Local Code of Corporate Governance has been developed to ensure that the Council complies with the principles set out in the CIPFA/SOLACE guidance. The Local Code is reviewed annually, to ensure that the Council is still satisfying the principles, and forms part of the Council's Policy Framework.

- 2.5 The guidance identifies six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. The principles are;
- Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area;
 - Members and officers working together to achieve a common purpose with clearly defined functions and roles;
 - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
 - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
 - Developing the capacity and capability of members and officers to be effective; and
 - Engaging with local people and other stakeholders to ensure robust public accountability.
- 2.6 The six core principles each have a number of supporting principles, which in turn have a range of specific requirements that apply across the range of Council business.
- 2.7 The Local Code, and the Council's compliance with the principles, have been reviewed, and attached at Appendix 1 is the updated Local Code of Corporate Governance for 2017/18. This sets out the six principles and elaborates on how the Council is meeting them, what source documents or processes evidence this and in addition highlights any further or ongoing work. This in turn links into the Council's Annual Governance Statement.
- 2.8 There have been no significant changes to the code following the review, and it is considered still fit for purpose.

3. Strategic Plan References

- 3.1 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 Borough.

4. Publicity Considerations

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

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

- 5.1 None.



Code of Corporate Governance 2017/18

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

October 2017

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

CODE OF CORPORATE GOVERNANCE

INTRODUCTION

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

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

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

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

- 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 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
1.1.1 Develop and promote the Council's purpose and vision	Strategic Plan 2015-18 Partnership working with local, regional and national stakeholders Service Plans Communications Strategy Council website – www.colchester.gov.uk Local Research and Statistics data on website The Constitution and its committees, panels and Trading Board Peer Challenge action plan Core values of 'customer, business and culture' with identified attitudes and behaviours Strategic Plan Action Plan Key Performance Indicators (KPIs) reported and published to show achievements against targets New Waste Strategy introduced June 2017 Awards and accreditations Publication Scheme/Transparency Code	Restructuring the Council into four service areas (from six) in July 2017, and setting up new commercial companies for housing development, heat network and trading services such as Events Preparing for the next Strategic Plan starting in 2018 Encouraging self-serve and online options to maximise use of resources Customer Demand and Research project work.

1.1.2 Review on a regular basis the Council's vision for the local area and its impact on the authority's governance arrangements	Strategic Plan 2015-18 and its Action Plan The Constitution and its committees, panels and Trading Board Medium Term Financial Strategy and Capital Programme Local Code of Corporate Governance Annual Governance Statement and Assurance Framework Risk Register	Preparing for the next Strategic Plan starting in 2018 Restructuring the Council into four service areas (from six) in July 2017, and setting up new commercial companies for housing development, heat network and trading services such as Events Local Code of Corporate Governance updated as required by CIPFA Guidance
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In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
1.1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties	Strategic Plan 2015-18 Partners were key contributors in the Peer Challenge Partnership Strategy Partnership Register Council praised by All-Party Parliamentary Group Inquiry into partnership working Safer Colchester Partnership – annual plan, website, strategic and operational groups	Community Hub at Colchester library brings a range of partners together to provide customer-facing services. Also the Essex County Council Relationship Manager role. Crime and Disorder Committee examines the work of the Safer Colchester Partnership.
1.1.4 Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance	Strategic Plan actions and monitoring of delivery Statement of Accounts Council's website www.colchester.gov.uk Awards and accreditations , Performance and Improvement sections of the website Performance Management Board Communications Strategy The Council's Forward Plan Publication Scheme/Transparency Code	A webpage has been set up to bring all Annual Reports into one central place on the Council's website for improved transparency An online Datashare 'library' gives access to view and download a range of council databases and information
1.2.1 Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available	Performance reporting to Senior Management , Scrutiny Panel and the 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	'Customer' strand of the Council's Customer Service Standard '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 Feedback tab on webpages (on the right) 'Help us get it right' options for customers

In order to achieve our aims we have/will:	Source documents/processes	Further work ongoing
<p>1.2.2 Put in place effective arrangements to identify and deal with failure in service delivery</p>	<p>Performance reporting and performance indicators Complaints Procedure Internal Audit Process and annual work programme Chief Operating Officer Performance Management Board External Auditor's annual audit letter and recommendations The Constitution and its committees, panels and Trading Board Risk Management Strategy Ethical Governance Policies Annual Governance Statement Action Plan</p>	<p>Performance Management Board addresses and manages performance and financial issues and meets monthly. Preparation for Budget Group is also managed here.</p> <p><u>'Help us get it right'</u> options for customers</p>
<p>1.3.1 Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.</p>	<p>Performance Reporting Performance Management Board Environmental Sustainability Strategy/Actions External Auditor's annual audit letter and recommendations Statement of Accounts Annual Treasury Strategy Statement Trading Board annual report Parking Partnership annual report Report templates – financial considerations Monitoring of commercial performance by the Trading Board Publication Scheme/Transparency Code Sustainability assessments for Local Development Framework</p>	<p>Building a sustainable commercial services arm for the Council</p> <p>Establishment of Revolving Investment Fund Committee</p>

PRINCIPLE TWO

Core Principle 2 – Members and Officers working together to achieve a common purpose with clearly defined functions and roles

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

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

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.1.1 Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice	Constitution (Cabinet terms of reference) Record of decisions and supporting materials Member/Officer Protocol Member Training and Development Senior officer training Member role profiles Committee and Councillor area on the Council website Publication Scheme/Transparency Code	The Constitution will continue to be reviewed on a rolling basis.
2.1.2 Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers	Constitution (Statutory Officer positions, Terms of Reference for Committees, Member roles) Protocols on planning, the representational role of Members, Chairmen, Officer/Members Schemes of Delegation Conditions of Employment Member role profiles	.

	Website and its Datashare section	
In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.2.2 Make the chief executive or equivalent responsible and accountable to the authority for all aspects of operational management	Development of the Committee and Councillor area on the Council website provides more complete and easily accessible information about Councillors and the Council's decision making processes. Chief Executive designated Head of Paid Service Constitution (Head of Paid Service responsibilities) Conditions of Employment Schemes of Delegation Job Accountability Statement /Person Specification Signature on Annual Governance Statement	The Constitution will continue to be reviewed on a rolling basis. Support for this from Chief Operating Officer New arrangements for trading/holding companies after July 2017 restructure
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 1:2:1's	The Constitution will continue to be reviewed on a rolling basis. Effective transfer of responsibilities to new Leader of the Council. New arrangements for trading/holding companies after July 2017 restructure
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	Strategic Finance Manager is the Council's Chief Financial Officer (S151 Officer). Constitution Job Accountability Statement / Person Specification S151 Officer Protocol	

maintaining an effective system of internal financial control	Report template includes financial implications before report considered by Members Officer Pay Policy agreed by Full Council	
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In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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
2.3.2 Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process including an effective remuneration panel (if applicable)	Pay and conditions policies and practices Independent Remuneration Panel Terms of Reference and Reports Regular liaison meeting with Unison Officer Pay Policy agreed by Full Council	
2.3.3 Ensure that effective mechanisms exist to monitor service delivery	Performance reporting and performance indicators Complaints Procedure Heads of Service monitoring Service Plans Performance Management Board Performance management system Scrutiny Panel Trading Board 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 Datashare brings key performance and related data into one place on the website

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.3.4 Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated	Strategic Plan underpinned by a review of all existing consultation work. Medium Term Financial Strategy Performance reporting and indicators Council Website Communications Strategy News releases, e-newsletters and social media Trading Board Customer insight groups Service Reviews	Preparing for the next Strategic Plan starting in 2018 Establishment of Revolving Investment Fund Committee
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 Partnership Strategy Partnership Register	Community Hub at Colchester library brings a range of partners together to provide customer-facing services. Also the Essex County Council Relationship Manager role. 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"> ensure that there is clarity about the legal status of the partnership 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. 	Constitution Individual Partnership Agreements Service Level Agreements Advice given to Members in relation to outside bodies Partnership Strategy Partnership Register 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
3.1.1 Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect	Constitution Chief Executive's and Leader's blog on the Council's intranet Performance reporting Governance 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	Staff survey and taking action on its findings Leadership Development Programme led by Executive Management Team Social media, including Yammer on revamped Council intranet Datashare on the Council's website and on www.data.gov.uk supports the importance of openness and transparency Employee Assistance Programme

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.1.1 continued	Planning Procedures Code of Practice Officer Register of Gifts and Hospitality Officer voluntary register of interests Members' Register of Interests Website and intranet Corporate Roadshows by Chief Executive for staff Portfolio Holder monthly sessions with senior officers "Corporate Governance" section on the Council's website bringing all relevant information together under one heading	
3.1.2 Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols	Member and Officer Codes of Conduct Performance management system Complaints procedures Anti-fraud and Corruption Policy Member/Officer Protocols Induction for new Members and staff Member Development Programme Member Personal Development Plans Officer training on Member/ officer relationship Whistleblowing Policy Information and Communication Technology (ICT) Security Policy Safeguarding Policy Intranet Annual review of Ethical Governance policies	Embedding the Council's core values of 'customer, business and culture' with identified attitudes and behaviours. The revised Job Accountability Statement/Person Specification template highlights the core values to applicants, and the revised staff appraisal scheme now makes how you conduct yourself against the values, attitudes and behaviours to be equally important to achieving the SMART objectives that apply to the role

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.1.3 Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice	Member and Officer Codes of Conduct Equality and Diversity training for Members and Officers Financial Procedure Rules, Contract Procedure Rules Ethical Governance policies Registers of Interests (Officers and Members) Services and processes are underpinned by Equality Impact Assessments Equality Objectives Officer induction and training Annual review of Ethical Governance Policies Job Accountability Statements include whether or not a role is politically restricted	
3.2.1 Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners	Member and Officer Codes of Conduct Strategic Plan, objectives and priorities in place and shared Performance reporting Strategic Plan Action Plan – progress is reported to scrutiny on a half yearly basis	People Strategy actions Embedding the Council's core values of 'customer, business and culture' with identified attitudes and behaviours
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 Committee ICT Security Policy Annual reporting to Governance Committee	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.2.3 Develop and maintain an effective Standards Committee	Member conduct issues (standards) within remit of Governance Committee Agenda and Minutes Terms of Reference Regular meetings Work programme	Annual review of the Localism Act arrangements by the Governance Committee.
3.2.4 Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority	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	Embedding the Council's core values of 'customer, business and culture' with identified attitudes and behaviours
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 Partnership Register Partnership Strategy	Annual report to Cabinet on Members' appointments to outside bodies, including feedback on outcomes, issues and engagement Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny

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 Scrutiny of partners and joint projects	Scrutiny Panel work programme includes review of partnership arrangements, with presentations from partners at Scrutiny Taking issues and developments to the Trading Board as appropriate Joint Scrutiny Chairman's meeting
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 and its committees, panels and Trading Board Decision making protocols Record of decisions and supporting materials Report template Decision list published (members) Recordings of meetings on the website Website ,	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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 Committee have responsibility for these issues Monitoring Officer reports on these issues Politically restricted posts Ethical Governance Policies, and annual review Secondary Employment Policy	
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 Committee Member Development Programme Agenda and Minutes The Constitution	Continue to review Member training programme with specific reference to audit and governance
4.1.5 Put in place effective transparent and accessible arrangements for dealing with complaints	Complaints procedure "Help us get it right" on website with full details Annual letter from Local Government Ombudsman Customer insight work	Feedback tab on webpages (on the right) Social media
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 Head of Service 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	Datashare Projects carried out by the Council's Customer Demand and Research Team Customer insight work

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.2.2 Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately	Report template requires that consultation is undertaken with legal and financial functions before report considered by Members Record of decision making and supporting materials S151 and Monitoring Officer Protocols Equality Impact Assessments Clear and well understood decision making processes with published timelines.	Introduction of Account Managers and Business Partners for Policy and Corporate services, including legal and financial matters
4.3.1 Ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognising that risk management is part of their job	Risk Management Strategy - Policy Framework Corporate Risk Manager Corporate/service planning Cabinet Member with accountability for risk management Half yearly reporting to Governance 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 Hub area for Risk Management Corporate Governance Team, bringing together the co-ordination of governance processes.	Embedding of risk management processes into projects, with a review of what constitutes a significant project Integrating operational, strategic and project risks into the risk reporting process to senior management

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

PRINCIPLE FIVE

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

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

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

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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 Appraisals for officers People Strategy Personal Development Plans Learning and Development Strategy Charter Status for Elected member development	Member skills development Development of e-induction options for new starters as part of refreshed intranet MyLearning is being developed as the 'one stop shop' for staff e-learning and development needs – from induction to essential skills and wellbeing.
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 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
5.2.1 Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively	Appraisals for officers SMART objectives Personal Development Plans for officers Member training and development People Strategy Learning and Development Strategy/Annual Learning and Development Plan Charter Status for Elected Member Development	Member skills development Developing the training records on the Member Information System Talent Management/Career Track for staff
5.2.2 Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed	Appraisals for officers 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	Member skills development Talent Management/Career Track for staff Learning and Development – commercial and Office365 skills
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 Personal Development Plans Annual Training Plan Local Government Ombudsman Annual Letter	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
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	Equality Impact Assessments on services and policies Consultations, Research and Statistics on website Voluntary Sector Grants programme Public meetings Equality Objectives Strategic Plan Consultation Local Development Framework consultation Community development work Consultations Customer insight work Research and Engagement Team projects Have Your Say! processes Appointment of Independent Persons	Apprenticeship scheme introduced in September 2017 Community Enabling Strategy Community Budgets Use of social media 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
5.3.2 Ensure that career structures are in place for Members and Officers to encourage participation and development	People Strategy Internal Recruitment Process Internal Secondments Personal Development Plans for officers Personal Development Plans for members Talent Management/Career Track for staff Member skills development Staff structure charts	Talent Management/Career Track - the SMT Talent Panel 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 Future Leader Programme Staff Recognition Scheme Opportunities such as the District Council Staff Development Programme and the Local Authority Challenge as they arise

PRINCIPLE SIX

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

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

- 6.1 Exercise leadership through a robust scrutiny function which engages effectively with local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships
- 6.2 Take an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly, in partnership or by commissioning
- 6.3 Make best use of human resources by taking an active and planned approach to meet responsibility to staff

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.1.1 Make clear to themselves, all staff and the community, to whom they are accountable and for what	Constitution Community Enabling Strategy Stakeholder identification Targets and Performance Monitoring Website and intranet Consultation Strategy Communications Strategy Datashare section on the Council's website brings together all information required under statutory codes such as the 'Local Government Transparency Code' to make this easily accessible Structure charts for senior management	A key part of the Government's Transparency agenda is to bring information together into one searchable website - www.data.gov.uk to provide clarity on these issues. The information on the Datashare section of the Council's website is now also being published on www.data.gov.uk Community Budgets 2016-17 (replaced Locality Budgets) have been brought in with clearer guidelines and all spend/activity transparently available on the Council's website.

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.1.2 Consider those institutional stakeholders to whom they are accountable and assess the effectiveness of the relationships and any changes required	Stakeholder identification Statutory provisions Stakeholder surveys Consultation Strategy Communications Strategy Partnership Strategy and Register Scrutiny Panel and the Crime and Disorder Committee Work Programme Datashare	Ongoing review of Freedom of Information requests to see if there are items which could be put onto the website or Datashare, so that a repeat request would not be needed as the item had been made freely available. Examples have been business rate and public funeral information now published as a matter of routine.
6.1.3 Produce an annual report on scrutiny function activity	Annual Scrutiny Report	
6.2.1 Ensure that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively	Communications Strategy News releases, e-newsletters and social media Websites Equality Impact Assessments Safeguarding Policies Datashare, Freedom of Information and Data Protection section of the website Recordings of meetings on the website	Social media and text messaging Customer research and demand projects
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	
6.2.3 Ensure arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands	Strategic Plan 2015-18 Website - "Consultations, Research and Statistics" section Consultation strategy Communications strategy Community development work Equality Objectives and Equality Impact Assessments Budget Consultation Meeting	Preparing for the next Strategic Plan starting in 2018 Holding public consultations on key issues to encourage different sections with differing views to take part Community Enabling Strategy

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.2.4 Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result	Statement of Community Involvement Customer insight project team and its work Partnership framework Communication 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	
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 2015-18 Website www.colchester.gov.uk Performance Reporting and Performance Indicators Council website has "Performance and Improvement", "Council Awards and Achievements" and "Council and Democracy" sections Publication Scheme and Transparency Code	Strategic Plan Action Plan – progress is reported to Scrutiny and Cabinet on a half-yearly basis Trading Board annual report A webpage has been set up to bring all annual reports into one central place on the Council's website for improved transparency

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>6.2.6 Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so</p>	<p>Constitution 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 Communications Policy Data Protection Policy ICT Security Policy Council website Datashare, Freedom of Information and Data Protection section of the website National Fraud Initiative - Fair Processing Notice Egress Switch Secure Email Encryption Publication Scheme and Transparency Code</p>	<p>Community Hub at Colchester library brings a range of partners together to provide customer-facing services for customers of the Council and other organisations. This town centre location is easy to access for those who do not wish to self-serve or would like some assistance to do so online. It is open plan with a Welcome Zone where staff work with customers, but also includes areas where confidential discussions can be carried out if needed or appropriate</p> <p>Security checks on staff who process official/sensitive information using the Public Sector Network or who need a secure .GCSX e-mail address</p>
<p>6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making</p>	<p>Investors in People Facilities and Recognition Agreement with UNISON Internal Communications Strategy Service Reviews and other operational reviews include consultation and involvement arrangements as part of the process/staff communications</p>	<p>Staff survey and taking action on its findings</p> <p>Staff suggestion boxes</p> <p>Investors in People – reaccreditation work underway autumn 2017</p>