

BRECKLAND DISTRICT COUNCIL

Report of: Internal Audit Consortium Manager and Corporate Improvement & Performance Manager

To: Audit Committee, 11th December 2015

(Author: Emma Hodds, Internal Audit Consortium Manager
Greg Pearson, Corporate Improvement and Performance Manager

Subject: Intellectual Property Rights

Purpose: This report concludes on the issues previously raised by the Audit Committee in relation to Intellectual Property Rights and answer queries raised in this regard.

Recommendation:

- 1) That the Committee note the content of the report and the action noted therein.

1.0 BACKGROUND

- 1.1 Members of the Audit Committee have previously raised concerns in relation to Intellectual Property Rights at Breckland DC. It was confirmed to the Committee that this has been covered in the Memorandum of Understanding between Breckland DC and South Holland DC.
- 1.2 The issues that have been specifically raised relate to; how this is covered in staff employment contracts; where we stand with consultants; whether staff are requested to comply with copyright and licensing rules of others; what logos and brands the Council have; and how ownership is ensured.

2.0 OPTIONS

- 2.1 Not applicable to this report.

3.0 REASONS FOR RECOMMENDATION(S)

- 3.1 The Committee are asked to note the outcomes as reported in section four of the report.

4.0 OUTCOMES

- 4.1 Taking each of the issues raised by the Committee in turn the following is reported.
- 4.2 Staff employment contracts
 - 4.2.1 It is recognised that intellectual property rights is not currently covered in the staff employment contracts, however it is proposed that going forwards this will be covered in new contracts as and when they arise. At this point existing officers will not be considered as this would require a significant piece of work around amending their terms and conditions and would legally require a formal consultation with the trade unions. Any changes made to existing terms and conditions are determined as a staffing matter and would require a decision made by full council to be legally compliant with the council's constitution.

4.3 Consultants

- 4.3.1 When the Council is employing consultants these usually come with their own standard terms and conditions for the period of employment which would clearly ensure that ownership of intellectual property remains with the Council.

4.4 Staff compliance

- 4.4.1 All staff (and members) have to read and sign up to the Council's ICT Security Policy before they are able to use and access the IT systems. The current policy states the following:

"It is unlawful to reproduce copyright material without the express permission of the copyright holder. Staff and Members must not use the Council's Communication Systems to access, transmit, retrieve, download, upload, store, distribute or otherwise process any material the copyright for which is or they suspect may be owned by a third party (without the prior authorisation of the copyright holder)."

This is deemed to be sufficient and addresses members concerns, no further action is needed.

- 4.4.2 It is however recognised that the outcomes of a recent audit on Software Licensing, reported elsewhere on the Committee's agenda in the Progress Report on Internal Audit Activity, highlights that improvements need to be made in relation to the software held on Council machines.

Recommendations have been agreed with management, the main one relevant in relation to copyright is to ensure that a software audit (spot check) is undertaken to ensure that unauthorised software is not held on the Council's systems, which if is the case can lead to the risk of punitive and reputational damage.

4.5 Logos and brands and ownership thereof

- 4.5.1 The current logos and brands are attached at **Appendix 1** to this report. It has been recognised that because of the transparency agenda and the freedom of information act it is increasingly difficult to secure intellectual property rights in the public sector.

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

- 5.1.1 *It is the opinion of the Report Author that there are no implications.*

5.2 **Constitution & Legal**

- 5.2.1 Any changes made to existing terms and conditions are determined as a staffing matter and would require a decision made by full council to be legally compliant with the council's constitution.

5.3 **Contracts**

- 5.3.1 *It is the opinion of the Report Author that there are no implications.*

5.4 **Corporate Priorities**

5.4.1 *It is the opinion of the Report Author that there are no implications*

5.5 Crime and Disorder

5.5.1 *It is the opinion of the Report Author that there are no implications.*

5.6 Equality and Diversity / Human Rights

5.6.1 *It is the opinion of the Report Author that there are no implications*

5.7 Financial

5.7.1 *It is the opinion of the Report Author that there are no implications.*

5.8 Risk Management

5.8.1 *It is the opinion of the Report Author that there are no implications.*

5.9 Staffing

5.9.1 Any changes made to existing terms and conditions are determined as a staffing matter and would require a decision made by full council to be legally compliant with the council's constitution.

5.10 Stakeholders / Consultation / Timescales

5.10.1 *It is the opinion of the Report Author that there are no implications.*

Background papers: - Minutes from previous Audit Committee meetings

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Director / Officer who will be attending the Meeting Emma Hodds, Internal Audit Consortium Manager and Greg Pearson, Corporate improvement and Performance Manager

Key Decision: No

Exempt Decision: No

Appendices attached to this report: Trading Names and Logos

Trading Names/Logo's:

- Resource4Growth C.I.C



- ARP Trading (part owned by Breckland with Forest Heath council)



- Anglia Revenues Partnership (Breckland are one of 7 partners)



- Grants4Growth

GRANTS4GROWTH

Local Enterprise Growth & Efficiency Programme

- Breckland Training Services



- Breckland Bridge



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