



COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend a Meeting of the Sefton Metropolitan Borough Council to be held on **Thursday 20th May, 2021 at 6.30 pm at the Golden Miller Suite, The Jockey Club, Aintree** to transact the business set out on the agenda overleaf.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Dwayne Harrison", with a horizontal line extending to the right.

Chief Executive

Town Hall,
Southport

Wednesday 12 May 2021

Please contact Ruth Harrison, Democratic Services Manager
on 0151 934 2046 or e-mail ruth.harrison@sefton.gov.uk

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

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A G E N D A

1. Apologies for Absence

2. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

3. Minutes of Previous Meeting

(Pages 7 - 20)

Minutes of the meeting held on 22 April 2021.

4. Mayor's Communications

5. Election Results - 6 May 2021

(Pages 21 -
26)

To receive and note the report of the Chief Executive and Returning Officer on the results of the Council Elections held on 6 May 2021.

6. Leader of the Council

The Council is requested to note that Councillor Maher was appointed as the Leader of the Council by the Council on 16 May 2019 for a four year term or until such time as the term of office expires

7. Cabinet and Deputy Leader of the Council

Report of the Leader of the Council to be circulated prior to the meeting.

- 8. Appointment of Committees and Sub-Committees 2021/22**
Report of the Executive Director for Corporate Resources and Customer Services to be circulated prior to the meeting.
- 9. Appointment of Representatives on Merseyside Joint Authorities 2021/22**
Details of the proposed representation on the Merseyside Joint Authority bodies for 2021/22 will be circulated prior to the meeting.
- 10. Amendments to the Constitution – Highways; and Counter Terrorism and Security Act 2015** (Pages 27 - 32)
Report of the Executive Director of Corporate Resources and Customer Services
- 11. Audit and Governance Terms of Reference** (Pages 33 - 46)
Report of the Executive Director of Corporate Resources and Customer Services
- 12. Members’ Code of Conduct** (Pages 47 - 68)
Report of the Executive Director of Corporate Resources and Customer Services
- 13. Proposed changes to the Constitution in relation to Planning Committee** (Pages 69 - 76)
Report of the Executive Director of Corporate Resources and Customer Services
- 14. Revisions to Employee Code of Conduct** (Pages 77 - 114)
Report of the Executive Director of Corporate Resources and Customer Services
- 15. Green Homes Grant (GHG) Local Authority Delivery (LAD) Round 2 Scheme** (Pages 115 - 120)
Report of the Executive Director Corporate Resources and Customer Services.

16. Dates of Council Meetings 2021/22

To note that the Council meetings scheduled to be held during the Municipal Year 2021/22 are as follows:

- 15 July 2021
- 16 September 2021
- 18 November 2021
- 20 January 2022
- 3 March 2022 (Budget Meeting)
- 21 April 2022

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COUNCIL

REMOTE MEETING HELD ON THURSDAY 22ND APRIL, 2021

PRESENT: The Mayor (Councillor Burns) in the Chair
The Deputy Mayor (Councillor Robinson) Vice Chair

Councillors Atkinson, Bennett, Blackburne, Bradshaw, Brennan, Brodie - Browne, Brough, Byrom, Carr, Carragher, Cluskey, Cummins, Dawson, Dodd, Dowd, Doyle, Dutton, Evans, Fairclough, Friel, Grace, Halsall, Hands, Hardy, Howard, Irving, Jones, Keith, John Kelly, John Joseph Kelly, Killen, Lappin, Lewis, Maher, McCann, McGinnity, McKinley, Moncur, Morris, Murphy, Myers, O'Brien, O'Hanlon, Pugh, Pullin, Roche, Roscoe, Sathiy, John Sayers, Yvonne Sayers, Shaw, Spencer, Thomas, Anne Thompson, Lynne Thompson, Tweed, Veidman, Waterfield, Sir Ron Watson and Webster

78. MAYOR'S WELCOME

The Mayor took the opportunity to welcome Members to the remote meeting of Sefton Council and extended a special welcome to members of the public who were viewing the meeting online. This meeting was being held using Microsoft Teams Live Events software. A protocol for Members attending remote meetings had been circulated prior to the meeting and Members were respectfully requested to adhere to the protocol.

The Mayor advised all Members who were nominated Spokespersons or Movers and Seconders of Motions to turn their cameras off and mute their microphones when not addressing the meeting. The Mayor also advised that any of the nominated Spokespersons, Movers and Seconders of Motions who would like to address the meeting at any time should indicate by using the chat facility in Microsoft Teams and emphasised that the chat facility should only be used to indicate the wish to speak.

The Mayor further advised that all Members who were not nominated Spokespersons should turn their camera off and mute their microphone, and that they should only un-mute their microphone to confirm their attendance and to state how they wished to vote.

The Mayor highlighted that during the meeting Members should indicate their agreement to an item in the usual way and in the case of an item not being agreed, a vote would be taken on the item. The vote would be taken by an officer asking each member in alphabetical order to indicate their

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vote. Members should turn on their microphones when it was their turn to vote but that there was no need to turn on their camera.

The Mayor also drew Members' attention to the fact that the Council Meeting was taking place during "purdah" and explained that the term "purdah" was used across central and local government to describe a period of time immediately before elections or referendums when specific restrictions on communications are actively in place. She also advised that in addition to communications, no Council resources should be used in a way to promote any political party. The Mayor explained that "purdah" doesn't prevent councils from carrying out business as usual but by having the meeting the Council is using Council resources and so Members should speak on reports and motions on the agenda and refrain from making overtly political statements in relation to the forthcoming elections.

79. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Pitt.

80. DECLARATIONS OF INTEREST

The following declarations of disclosable pecuniary interests were made and the Members concerned left the teams meeting live event during the consideration of the item:

Member	Minute No.	Nature of Interest
Councillor Murphy	Minute No. 91 NJC Pay To Councils - A Fully Funded, Proper Pay Rise For Council And School Workers	By virtue of her Employment
Councillor Grace	Minute No. 91 NJC Pay To Councils - A Fully Funded, Proper Pay Rise For Council And School Workers	By virtue of her Employment

81. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the Council Meeting held on 4 March 2021 be approved as a correct record.

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82. MAYOR'S COMMUNICATIONS

Death of HRH the Duke of Edinburgh – Prince Phillip

The Mayor reflected on the sad passing of The Duke of Edinburgh on Friday 9 April 2021 and referred to the Merseyside Commemoration Service she attended on Sunday 18 April and stated that it was an honour to attend.

Death of Shirley Williams – Former MP for Crosby 1981 – 1983

The Mayor reported on the sad passing of Shirley Williams former MP for Crosby.

Councillors Brodie Browne and Councillor Sir Ron Watson paid tribute.

The Council observe a one-minute silence as a mark of respect.

MAYORS CHARITY RAFFLE 2021

The Mayor reported on her Charity Raffle that had been advertised by the Mayoral and Civics Officer and encouraged Members and Officers to purchase tickets. The Mayor advised that Members should contact the Mayoral and Civics and Officer.

Councillors Not Seeking Re-Election

The Mayor reported that this was the last Council meeting before the Council Elections on 6 May 2021 and that the following Councillors would not be seeking re-election:

Councillor Hands who had served on Sefton Council for 35 years since May 1986; and

Councillors Gannon, O'Hanlon, Pitt and Pullin, who had all served on Sefton Council for 5 years since May 2016.

On behalf of the Council, The Mayor expressed thanks to those Members for their dedicated service to the people of Sefton and extended her best wishes to them for the future.

Councillors Pugh, Brodie-Browne, Grace, Maher, Sir Ron Watson and Brough paid tribute to the service given by Councillor Hands.

Councillor Pugh paid tribute to the service given by Councillor Pullin.

Mayor Elect 2021/22

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The Mayor reported that Councillor Carragher had been nominated for the office of the Mayor of Sefton for 2021/22 and that the appointment would take place on 18 May 2021.

83. MATTERS RAISED BY THE PUBLIC

The Mayor reported that no matters had been raised by members of the public.

84. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Mayor reported that the schedule setting out the questions submitted by Members of the Council together with the response by the appropriate Cabinet Member had been e-mailed to all Members of the Council.

The Mayor further reported on the following procedure for the asking of supplementary questions at the remote meeting of Council.

Members would be given the opportunity to ask one supplementary question of the Leader/Cabinet Member and those questions should be e-mailed to the Chief Legal and Democratic Officer by 4 p.m. the following day after the Council Meeting, Friday 23 April 2021. It was further reported that the answers to the supplementary questions would be e-mailed directly to the Councillor by 4 p.m. on the Monday following the Council meeting, date being 26 April 2021.

The Mayor indicated that the Democratic Services Manager or her colleague would e-mail all Members of the Council with the complete supplementary question and answer schedule the following week after Council.

The Mayor reminded Members when submitting a supplementary question that the question should be a question and not a statement and furthermore must arise directly out of the original question or the reply.

85. PROPOSED PUBLIC SPACES PROTECTION ORDER - DOG CONTROL

The Council considered the report of the Head of Highways and Public Protection in relation to the draft Public Spaces Protection Order – Dog Control (PSPO) under the Anti-Social Behaviour Crime and Policing Act 2014 and detailed issues concerning dog control including an overview of the public consultation on the proposed additional dog control measures through a proposed new Public Spaces Protection Order (PSPO).

It was moved by Councillor Kelly, seconded by Councillor Lappin and

RESOLVED:

That the following requirements / restrictions previously contained within the Sefton Metropolitan Borough Council Public Spaces Protection Order –

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Dog Control 2017 (PSPO – dog control 2017) be included within the proposed new Public Spaces Protection Order be approved:

- i Offence of not removing dog's fouling forthwith;
- ii Restrict the number of dogs that can be walked by one person to maximum of 6;
- iii Prohibit dogs from entering enclosed playgrounds;
- iv Prohibit dogs from entering marked or fenced sports pitches during specified periods (Football or Rugby pitches from 01 September to 31st May inclusive and Cricket pitches from 01 April to 30th September inclusive);
- v Dogs to be kept on a lead of not more than 2.0 metres in length within defined picnic sites and family areas;
- vi Dogs to be kept on a lead of not more than 2.0 metres in length within all designated carriageways (A & B classified roads) and adjoining footways and verges;
- vii Dogs to be kept on a lead of not more than 2.0 metres in length within all cemeteries and crematoria; and
- viii Dogs to be placed on a lead of not more than 2.0 metres in length when directed by an authorised officer to prevent a nuisance or behaviour likely to cause annoyance or disturbance to the public.

86. MEMBERSHIP OF COMMITTEES 2020/21

No changes to the Membership of Committees were made.

87. MOTION SUBMITTED BY COUNCILLOR DAWSON - PROPOSED NHS CHANGES AFFECTING PRINCIPALLY SOUTHPORT, FORMBY AND WEST LANCASHIRE COMMUNITIES

It was moved by Councillor Dawson, seconded by Councillor Brodie-Browne that:

Proposed NHS Changes Affecting Principally Southport, Formby And West Lancashire Communities

A. Council Notes:

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1. That managers of major NHS units and 'management consultants' have spent the past three years involved in a largely-secret and unaccountable process of developing options/proposals for significant changes in the siting and manner of provision of many hospital services in the Merseyside, south Lancashire and Cheshire area, which changes are likely to have a disproportionate effect on the residents of Southport and Formby.
 2. That the Secretary of State for Health in England has just been declared by the High Court to have breached the law in respect of required transparency within the NHS.
 3. That NHS organisations in the Southport, Formby and West Lancashire area have recently announced and publicised a 'community engagement' exercise which does not constitute any meaningful consultation about any proposal.
 4. That one of the clear stated aims of the new NHS White Paper and the Secretary of State in justifying a major management upheaval at this difficult time has been to give himself more power over decisions being made in various parts of the NHS in England, which would likely decrease local accountability and transparency of decision making.
- B. Council commits itself:
1. To oppose strongly any significant reductions in quality, quantity or accessibility of NHS hospital or community health services for residents of any part of the Borough of Sefton.
 2. To support a truly NATIONAL Health Service, free at the point of use and integrated as closely as possible with Social Care provision and accountable locally to persons elected democratically.
 3. To support the integration of Health & Social Care provision and reform of care service finance provided that this is done through a process of decision-making which is transparent, open and democratic, and that the outcome of such a process is fair in particular to frail, disadvantaged and/or disabled citizens.

An **amendment** was moved by Councillor Moncur, seconded by Councillor Cummins that the Motion be amended by:

replacing the following words in the title of the Motion:

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“Principally Southport, Formby and West Lancashire Communities” with the words “The Communities of Sefton” so that the title reads:

“Proposed NHS Changes Affecting the Communities of Sefton”;

that the word “significant” be deleted from paragraph B1;

that the words “properly resourced truly National” be inserted after the letter “a” in the first sentence of paragraph B2; and

That the words “including reform and increasing care” be inserted after the word “provision” in the first sentence of paragraph B3.

Following a debate on the **amendment** it was unanimously:

RESOLVED: That:

PROPOSED NHS CHANGES AFFECTING THE COMMUNITIES OF SEFTON

A. Council Notes:

1. That managers of major NHS units and ‘management consultants’ have spent the past three years involved in a largely-secret and unaccountable process of developing options/proposals for significant changes in the siting and manner of provision of many hospital services in the Merseyside, south Lancashire and Cheshire area, which changes are likely to have a disproportionate effect on the residents of Southport and Formby.
2. That the Secretary of State for Health in England has just been declared by the High Court to have breached the law in respect of required transparency within the NHS.
3. That NHS organisations in the Southport, Formby and West Lancashire area have recently announced and publicised a ‘community engagement’ exercise which does not constitute any meaningful consultation about any proposal.
4. That one of the clear stated aims of the new NHS White Paper and the Secretary of State in justifying a major management upheaval at this difficult time has been to give himself more power over decisions being made in various parts of the NHS in England, which would likely decrease local accountability and transparency of decision making.

B. Council commits itself:

1. To oppose strongly any reductions in quality, quantity or accessibility of NHS hospital or community health services for residents of any part of the Borough of Sefton.

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2. To support a properly resourced truly National Health Service, free at the point of use and integrated as closely as possible with Social Care provision and accountable locally to persons elected democratically.
3. To support the integration of Health & Social Care provision including reform and increasing care service finance provided that this is done through a process of decision-making which is transparent, open and democratic, and that the outcome of such a process is fair in particular to frail, disadvantaged and/or disabled citizens.

88. MOTION SUBMITTED BY COUNCILLOR SIR RON WATSON - HEALTH SERVICE REVIEW

It was moved by Councillor Sir Ron Watson, seconded by Councillor Brough that:

Health Service Review

The current Covid 19 situation has clearly re-emphasised the fact that moves towards significant integration between the NHS and local government is critical to the development of services.

The Council is involved in the consultation process and perhaps the most important element in the overall approach to be adopted and will therefore respond to any proposals particularly in respect of service delivery that are put forward by the Cheshire and Merseyside Health Care Partnership and other interested parties.

Whilst there are currently agreements in place because of the more fundamental aspects that may emerge the more expertise from Elected Members that can be injected into the process is clearly desirable.

Sefton is fortunate that it has Members who – for example – have great experience in Mental Health issues, Adult & Children’s Social Care, Strategic Health Authorities, Acute Hospital Trusts and legal aspects of the NHS as they apply to individual patients and so a Working Group of Elected Members to review and assist in the consultation process will add value to the process.

This Council resolves to:

Establish a cross party Working Group to advise the Council on all aspects of the government’s health integration agenda. The Working Group being able to report to Cabinet, Full Council, the Health and Well Being Board or any Overview and Scrutiny Committee as it deems appropriate. Membership of the Working Group, which will not be a formal committee of the Council, to be determined by the Leader following consultation with the other political group leaders.

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Following a debate on the **Motion** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Motion was lost** by 40 votes to 19.

89. MOTION SUBMITTED BY COUNCILLOR BROUGH - STRATEGIC SEMINARS FOR NON-CABINET ELECTED MEMBERS

It was moved by Councillor Brough, seconded by Councillor Sir Ron Watson that:

Strategic Seminars for non-cabinet Elected Members

Sefton Council is embarking upon a range of highly significant developments which include the implementation of the Southport Town Centre Funding Agreement, the development of a comprehensive policy in respect of beach management, the continuing position of the Bootle New Strand Centre, the Sandway Homes Development Programme and our response to the consultation process in respect of the future configuration of NHS services together with greater integration with Adult Social Care in the borough with the relevant Health Authority.

In all instances the direct involvement of Elected Members has been minimal and the Council now agrees that a comprehensive day seminar on all of these subject areas should be arranged with each issue being presented by the appropriate Cabinet Member and the Chief Officer and the format should also include the opportunity for a Q&A section.

This will enable Councillors who have had minimal involvement the opportunity to hopefully gain the wider perspective which is currently only possible for the limited number of Cabinet Members who have been involved.

Following a debate on the **Motion** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Motion was lost** by 41 votes to 19.

90. MOTION SUBMITTED BY COUNCILLOR IRVING - SEFTON COUNCIL TO LEGISLATE TOWING AWAY MOTOR VEHICLES CAUSING OBSTRUCTION

It was moved by Councillor Irving, seconded by Councillor McCann and after a debate it was unanimously:

RESOLVED: That:

Sefton Council to Legislate Towing Away Motor Vehicles Causing Obstruction

This council notes that:

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Almost twenty years ago Sefton Council decided like most other Councils in England to de-criminalize parking restrictions for yellow line offences in their area. It was felt at that time not to introduce towing away legislation for vehicles parked illegally as they believed drivers would behave in a responsible manner.

Times have now changed and areas of Sefton Coast have become a major attraction, Crosby, Formby, Ainsdale and Southport. Some of these areas cope very well with traffic but Formby has suffered immensely due to the numbers of people that arrive there at various peak times. There is limited parking in the nature reserve and the residential properties have been built right up to it. This has resulted in the area being covered with various types of yellow line restrictions, all of which try to prevent unwarranted illegal parking. It has got that bad that roads have been completely blocked with parked cars which cannot allow emergency vehicles to pass. Vehicles double park on grass verges, round-a-bouts, single and double yellow lines, on the corner of junctions as well as peoples drive- ways.

Sefton Council has commissioned a survey into the problems of visitor pressure on this coastal section but there is no legislation at present for this council to lawfully remove illegally parked vehicles causing an obstruction beside calling for Police assistance which is unsatisfactory.

Due to the increase of Visitor Pressure and the lack of responsibility shown by some drivers who park their vehicles illegally in the Sefton Metropolitan Borough throughout the year the recommendation to increase the powers of Traffic Services Department should be investigated.

This council resolves to:

Investigate increasing the legal powers of the Councils Traffic Services Department in using their discretion of removing illegally parked vehicles that are contravening traffic regulations and unwarranted parking on grassed areas in Sefton.

91. MOTION SUBMITTED BY COUNCILLOR LAPPIN - NJC PAY TO COUNCILS - A FULLY FUNDED, PROPER PAY RISE FOR COUNCIL AND SCHOOL WORKERS

It was moved by Councillor Lappin, seconded by Councillor Friel that:

NJC Pay To Councils - A Fully Funded, Proper Pay Rise For Council And School Workers

This council notes:

Local government has endured central government funding cuts of more than 50% since 2010. Between 2010 and 2020, councils lost 60p out of every £1 they have received from central government.

Over the last year, councils have led the way in efforts against the Covid-19 pandemic,

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providing a huge range of services and support for our communities. Local government has shown more than ever how indispensable it is but the pandemic has led to a massive increase in expenditure and loss of income, and the Government has failed to provide the full amount of promised support.

Local government workers have kept our communities safe through the pandemic, often putting themselves at considerable risk as they work to protect public health, provide quality housing, ensure our children continue to be educated, and look after older and vulnerable people.

Since 2010, the local government workforce has endured years of pay restraint with the majority of pay points losing at least 23 per cent of their value since 2009/10. At the same time, workers have experienced ever-increasing workloads and persistent job insecurity.

Across the UK, 900,000 jobs have been lost in local government since June 2010 – a reduction of more than 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector. The funding gap caused by Covid-19 will make local government employment even more precarious. There has been a disproportionate impact on women, with women making up more than three-quarters of the local government workforce.

Recent research shows that if the Government were to fully fund the unions' 2021 pay claim, around half of the money would be recouped thanks to increased tax revenue, reduced expenditure on benefits, and increased consumer spending in the local economy.

This council believes:

Our workers are public service super-heroes. They keep our communities clean and safe, look after those in need and keep our towns and cities running. Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.

Local government workers deserve a proper real-terms pay increase. The Government needs to take responsibility and fully fund this increase; it should not put the burden on local authorities whose funding has been cut to the bone and who have not been offered adequate support through the Covid-19 pandemic.

This council resolves to:

Support the pay claim submitted by GMB, Unison and Unite on behalf of council and school workers, for a substantial increase with a minimum of 10 per cent uplift in April 2021.

Call on the Local Government Association to make urgent representations to central government to fund the NJC pay claim.

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Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government. Meet with local NJC union representatives to convey support for the pay claim and consider practical ways in which the council can support the campaign.

Encourage all local government workers to join a union.

Following a debate on the **Motion** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Motion was carried** by 44 votes to 14.

92. MOTION SUBMITTED BY COUNCILLOR PUGH - LEARNING THE LESSONS FROM THE CALLER REPORT

It was moved by Councillor Pugh, seconded by Councillor Brodie-Browne that:

Learning the Lessons from the Caller Report

In the light of the Caller Report and recent events in Liverpool, this Council

- (a) believes that the role of executive mayors within local government has few real benefits and many obvious risks;
- (b) deplores central governments' encouragement and the imposition of the Executive Mayoral system within local government;
- (c) notes the real risk to transparency, accountability and good decision making when power is overly centralised;
- (d) regrets the limited role in decision-making currently assigned to 'backbench' councillors in all parties; and

resolves following lessons learnt from the Caller report to strengthen independent scrutiny within this Council - such moves to include allowing opposition members to chair scrutiny committees in line with best practice.

An **amendment** was moved by Councillor Sir Ron Watson, seconded by Councillor Brough that the Motion be amended by:

Replacing the words "has few real benefits and many obvious risks" with the words "carries some risks in respect of transparency" in paragraph (a);

That paragraph (b) be deleted and paragraph (c) becomes (b) and paragraph (d) becomes (c);

That the newly numbered paragraph (c) includes the following words at the end:

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“to add to the Cabinet Membership as ex-officio members the Leaders of all Political Parties on the Council subject to them having a minimum of 4 Elected Members”.

“These new Members to have access to all the Cabinet reports, including those recommended for exclusion from the press and public, to have the right to speak at the Cabinet but not to have a vote.”; and

The following paragraph be included as paragraph (d)

“(d) In addition believes that the Council in view of the light of experience should take an early opportunity to review the Cabinet System in total with a view to its replacement by a more democratic Committee System which applies in other parts of Merseyside.”

Following a debate on the **amendment** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **amendment was lost** by 41 votes to 18.

Following a debate on the **Motion** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Motion was lost** by 41 votes to 19.

93. MOTION SUBMITTED BY COUNCILLOR BROUGH - IDENTIFICATION OF BROWNFIELD SITES FOR HOUSING DEVELOPMENT

It was moved by Councillor Brough, seconded by Councillor Morris that:

Identification of Brownfield Sites for Housing Development

That this Council acknowledges the current and high number of applications for housing within the Borough of Sefton and undertakes to reduce waiting times for applicants by identifying and promoting ‘brownfield’ sites for housing development. The use of these sites would increase the number of dwellings available for occupation and reduce waiting times for applicants.

Following a debate on the **Motion** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Motion was lost** by 42 votes to 19.

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LOCAL GOVERNMENT ELECTIONS – 6 MAY 2021

SUMMARY OF ELECTION RESULTS

AINSDALE WARD

Lynne Thompson	Liberal Democrats	1807
Michael James Shaw	The Conservative Party	1253
Sean Flynn	The Labour Party	789
Laurence George Rankin	The Green Party	209
	Spoilt Ballot Papers	41
	Total Votes	4058
	Electorate	10181
	% Turnout	40.26

BIRKDALE WARD

Sonya Ann Kelly	The Labour Party	1125
Lee Anthony Durkin	The Conservative Party	1099
Vic Foulds	Liberal Democrats	1006
Bernhard Frank	The Green Party	207
	Spoilt Ballot Papers	27
	Total Votes	3437
	Electorate	10220
	% Turnout	33.89

BLUNDELLSANDS WARD

Diane Elizabeth Roscoe	The Labour Party	2031
Natasha Olivia Carlin	The Labour Party	1734
Martyn Paul Barber	The Conservative Party	1133
Simon Iain Jamieson	The Conservative Party	927
John Gerrard Volynchook	The Green Party	509
Keith William Cawdron	Liberal Democrats	279
Brian Dunning	Liberal Democrats	181
Angela Theresa Preston	Liberal Party and Local Resident	167
	Spoilt Ballot Papers	20
	Count Total	6961
	Total Votes	3878
	Electorate	9439
	% Turnout	41.30

2 Councillors elected following the resignation of Sam Marshall in September 2020

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CAMBRIDGE WARD

Sinclair D'Albuquerque	The Conservative Party	1455
Pat Keith	Liberal Democrats	1244
Laura Lunn Bates	The Labour Party	596
Carla Fox	The Green Party	205
	Spoilt Ballot Papers	35
	Total Votes	3500
	Electorate	10084
	% Turnout	35.06

CHURCH WARD

Paul Cummins	The Labour Party	1727
Mike Carter	The Green Party	571
Sean Dorgan	The Conservative Party	305
Zanna Ashton	Liberal Democrats	107
	Spoilt Ballot Papers	50
	Total Votes	2710
	Electorate	9423
	% Turnout	29.29

DERBY WARD

Anne Thompson	The Labour Party	1479
Brenda O'Brien	The Labour Party	1290
Mike Brennan	Independent	501
Daniel Paul Nuttall	The Conservative Party	176
Alwynne Ann Cartmell	The Green Party	149
Anne Clegg	The Conservative Party	115
Michael Duffy		111
Peter Nelson	Independent	100
Stephen William Hesketh	The Green Party	Withdrawn
	Spoilt Ballot Papers	12
	Count Total	3921
	Total Votes	2338
	Electorate	9174
	% Turnout	25.62

2 Councillors elected following one vacancy in September 2020

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DUKES WARD

Mike Prendergast	The Conservative Party	1576
Tony Dawson	Independent	816
David Ian Newman	Liberal Democrats	606
Thomas Bradley Spring	The Labour Party	551
Robert Michael Doyle	The Green Party	219
	Spoilt Ballot Papers	41
	Total Votes	3768
	Electorate	10705
	% Turnout	35.58

FORD WARD

Paulette Lappin	The Labour Party	1501
John McDonald		306
Veronica Dorgan	The Conservative Party	201
Kieran Dams	The Green Party	198
Chris Haws	Workers Party of Britain	108
Rowenna Gibson	Liberal Democrats	52
	Spoilt Ballot Papers	30
	Total Votes	2366
	Electorate	9390
	% Turnout	25.52

HARINGTON WARD

Joe Riley	The Conservative Party	1731
Carol Ann Richards	The Labour Party	1344
Aimee Louise Brodie	Formby Residents Action Group	478
Mike Walsh	The Green Party	297
Annie Gorski	Liberal Democrats	172
Joanne Elizabeth Allman	Freedom Alliance. No Lockdowns. No Curfews	48
	Spoilt Ballot Papers	29
	Total Votes	4070
	Electorate	9930
	% Turnout	41.28

KEW WARD

Jennifer Julie Corcoran	The Labour Party	1079
Laura Elizabeth Nuttall	The Conservative Party	905
Jo Barton	Liberal Democrats	768
Fred Weavers	The Green Party	200
	Spoilt Ballot Papers	37
	Total Votes	2952
	Electorate	10414
	% Turnout	28.70

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LINACRE WARD

Christine Maher	The Labour Party	1560
Lynne Margaret Bold	The Conservative Party	196
	Spoilt Ballot Papers	28
	Total Votes	1756
	Electorate	9138
	% Turnout	19.52

LITHERLAND WARD

Trish Hardy	The Labour Party	1484
Mo Walker-Miller	Independent	507
Jessamine Miles Hounslea	The Conservative Party	154
Jay Phoenix Robinson	The Green Party	146
Billie Jo Gibson		34
	Spoilt Ballot Papers	47
	Total Votes	2325
	Electorate	8984
	% Turnout	26.40

MANOR WARD

John Joseph Kelly	The Labour Party	1497
Jan Blanchard	The Conservative Party	996
Andrew Roy Donegan	The Green Party	328
John Gibson	Liberal Democrats	311
	Spoilt Ballot Papers	47
	Total Votes	3132
	Electorate	10020
	% Turnout	31.73

MEOLS WARD

John Dodd	Liberal Democrats	1692
Thomas Andrew de Freitas	The Conservative Party	1112
Stephen James Jowett	The Labour Party	470
David William Collins	The Green Party	253
	Spoilt Ballot Papers	38
	Total Votes	3527
	Electorate	10057
	% Turnout	35.32

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MOLYNEUX WARD

Paula Murphy	The Labour Party	1949
Paul Martyn Barber	The Conservative Party	547
Marion Wykes	The Green Party	254
Duncan Sayer	Liberal Democrats	174
	Spoilt Ballot Papers	32
	Total Votes	2924
	Electorate	10,190
	% Turnout	29.01

NETHERTON AND ORRELL WARD

Robert Brennan	The Labour Party	1785
Lisa Ford	Independent	340
Andrew Joseph Burgess	The Conservative Party	248
	Spoilt Ballot Papers	14
	Total Votes	2373
	Electorate	9815
	% Turnout	24.32

NORWOOD WARD

Carran Waterfield	The Labour Party	1326
Pamela Teesdale	The Conservative Party	848
Alistair Peter Fleming West	Liberal Democrats	629
David Andrew McIntosh	The Green Party	228
	Spoilt Ballot Papers	34
	Total Votes	3031
	Electorate	10552
	% Turnout	29.05

PARK WARD

Andrew James Wilson	The Labour Party	1733
Ken Hughes	The Conservative Party	1116
Roy Greason	The Green Party	365
	Spoilt Ballot Papers	37
	Total Votes	3214
	Electorate	9851
	% Turnout	33.00

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RAVENMEOLS WARD

Catie Page	The Labour Party	1460
Bob McCann	Formby Residents Action Group	1143
Paul David Bowen	The Conservative Party	872
Alison Moira Gibbon	The Green Party	212
Lesley Delves	Liberal Democrats	91
	Spoilt Ballot Papers	32
	Total Votes	3778
	Electorate	9637
	% Turnout	39.54

ST OSWALD WARD

Linda Cluskey	The Labour Party	1557
Maureen Burgess	The Conservative Party	262
	Spoilt Ballot Papers	35
	Total Votes	1819
	Electorate	8409
	% Turnout	22.05

SUDELL WARD

James Joseph Hansen	The Labour Party	1766
Tom Hughes	The Conservative Party	1268
Alex Wareing	The Green Party	259
Robert John Green	Workers Party of Britain	209
	Spoilt Ballot Papers	29
	Total Votes	3502
	Electorate	10402
	% Turnout	33.95

VICTORIA WARD

Michael Roche	The Labour Party	2141
Hannah Jane Gee	Liberal Democrats	1139
Michael Crichton	The Conservative Party	440
Neil Anthony Doolin	The Green Party	321
	Spoilt Ballot Papers	41
	Total Votes	4041
	Electorate	10853
	% Turnout	37.61

Dwayne Johnson
Returning Officer

Report to:	Audit and Governance Committee Adjourned Annual Council	Date of Meeting:	Wednesday 17 March 2021 Thursday 20 May 2021
Subject:	Amendments to the Constitution - Highways Act 1980 and Counter Terrorism and Security Act 2015		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Locality Services and Communities and Housing		
Is this a Key Decision:	No	Included in Forward Plan:	N/A
Exempt / Confidential Report:	No		

Summary:

The report recommends amendments to the Council’s Constitution to allow for the authority to enter into s38 and s278 Highways Act 1980 agreements and to make and amend Traffic Regulation Orders with regards to Disabled Parking Places outside people’s homes, to be delegated to the Head of Service for Highways and Public Protection.

The report also seeks to amend the Council’s Constitution to detail that the Council’s responsibilities under the Counter Terrorism and Security Act 2015 are to be the responsibility of the Cabinet Member for Communities and Housing.

Audit and Governance Committee

Recommendations:

(1) That Committee recommend to Council that the Constitution be amended to allow for the authority to enter into agreements under s38 and s278 Highways Act 1980 and the making and amending Traffic Regulation Orders in regards to Disabled Parking Places outside an individual’s property to be delegated to the Head of Service for Highways and Public Protection.

(2) That Committee recommend to Council that the Constitution be amended to provide that the Council’s responsibilities under the Counter Terrorism and Security Act 2015 be the responsibility of the Cabinet Member for Communities and Housing.

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Council

Recommendations:

(1) That the Constitution be amended to allow for the authority to enter into agreements under s38 and s278 Highways Act 1980 and the making and amending of Traffic Regulation Orders with regards to Disabled Parking Places outside an individual's property to be delegated to the Head of Service for Highways and Public Protection.

(2) That the Constitution be amended to provide that the Council's responsibilities under the Counter Terrorism and Security Act 2015 be the responsibility of the Cabinet Member for Communities and Housing.

Reasons for the Recommendation(s):

It is considered more expedient and efficient for the Head of Service for Highways and Public Protection to have delegated authority to enter into agreements under s38 and s278 Highways Act 1980 and the making and amending Traffic Regulation Orders in regards to Disabled Parking Places outside an individual's property.

To comply with the 2020 statutory guidance issued pursuant to the Counter Terrorism and Security Act 2015.

Alternative Options Considered and Rejected:

The option to make no changes was rejected as it would hamper good decision making within the Council with respect to recommendation (1) and the Council would not be adhering to statutory guidance with respect to recommendation (2).

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
None
Legal Implications:
Counter Terrorism and Security Act 2015
Highways Act 1980

Equality Implications:

There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable:

Compliance with the Council's statutory duties under the Counter Terrorism and Security Act 2015 will help protect and prevent people from being drawn into terrorism.
--

Facilitate confident and resilient communities:

Commission, broker and provide core services:

To improve the decision making processes for the Council in relation to the provision of core services in relation to the Highways Act 1980 and Traffic Regulation Orders.
--

Place – leadership and influencer:

Drivers of change and reform:

Facilitate sustainable economic prosperity:

Greater income for social investment:

Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6332/21.) and the Chief Legal and Democratic Officer (LD.4433/21) have been consulted and any comments have been incorporated into the report.

Cabinet Member – Locality Services <http://smbc-modgov-03/mgIssueHistoryHome.aspx?Id=63884&Opt=0>

(B) External Consultations

None

Implementation Date for the Decision

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Immediately following the Committee meeting.

Contact Officer:	David McCullough
Telephone Number:	Tel: 0151 934 2008
Email Address:	david.mccullough@sefton.gov.uk

Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Section 38 & section 278 Highways Act 1980 and Disabled Parking Places.

1.1. The Council's current scheme of delegation, lies with the Cabinet Member to grant approval for the Council to enter into agreements pursuant to section 38 & section 278 of the Highways Act 1980. The Cabinet Member also has the authority to approve new or amendments to existing Traffic Regulation Orders in respect to Disabled Parking Places outside an individual's home.

1.2. The nature of these agreements follow standard procedures and are seldom controversial. In the case of section 38 & section 278, the agreements merely facilitate approvals already gained through the planning process.

1.3. Matters within the Cabinet Member portfolio for Locality Services are dealt with in different ways dependent on whether they are considered to be executive or non-executive functions and/or whether they significant in terms of budget or policy.

1.4. The decision to approve entering into Agreements between the Council and a developer, pursuant to section 38 and section 278 of the Highways Act 1980, are currently considered to be executive with the delegated powers falling to Cabinet Member.

1.5. Section 38 Highways Act 1980 Agreements enable a local highway authority to enter into an agreement with a developer to adopt a highway, provided that the highway has been constructed to a specified standard and to the satisfaction of the local highway authority. A Section 278 Highways Act 1980 Agreement is an agreement between the Council and a developer that enables modifications to the existing highway network to facilitate or service a development.

- 1.6. Both agreements set out the financial liabilities and implications and stipulate that all costs will be borne by the applicant. This includes fees for the supervision and construction of the respective site. There are also protections added to any agreement in the form of bonds or surety's that should the developer cease trading ensures the cost of completing the works does not fall to the Authority.
- 1.7. The Councils scheme of delegation must follow that prescribed in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). Under this legislation, 'Local Choice Functions' (which include section 38 and 278 agreements) are functions that the Council can decide whether it is executive (Cabinet) or non-executive. In Sefton, the Constitution has put the decisions as those of the Executive.
- 1.8. Therefore, if it was considered appropriate, it would be legally permissible to delegate the authority to approve the entering into section 38 and section 278 agreements to Head of Service under the 2000 Regulations. However, as it stands, this would require amending the Constitution to make it permissible within the authority.
- 1.9. The Council receives frequent requests for Disabled Parking Places to be established outside of individuals' homes. Checks are made to ensure that a vehicle is registered to a disabled person at the property. A letter is requested from the applicant's doctor to confirm their mobility range and visits are made to assess if the bay is required. On these visits an officer will assess if parking is an issue which could mean that the resident is not able to park close to their home within their mobility range. If the applicant's vehicle is observed to always be parked close to their property then it is unlikely that a bay would be provided, but if they are unable to park within their mobility range of the property then the bay would be approved.
- 1.10. Cabinet Member approval has been required in order to advertise these proposals, but it is now proposed that this approval be given by the Head of Service through a Chief Officer's report.
- 1.11. Any objections received would still be reported in the normal way through the Licensing and Regulatory Committee.
- 1.12. Should the authorisation be delegated to Head of Service, officers will continue to advise Cabinet Member on a quarterly basis of approvals granted, and also discuss any particularly sensitive issues on an ad hoc basis prior to approval through the Chief Officer Report process.

2. Counter Terrorism and Security Act 2015

- 2.1. Section 26 of the Counter Terrorism and Security Act 2015 (CT&S) Act 2015 places a duty on certain bodies in the exercise of their functions to have '*due regard to the need to prevent people from being drawn into terrorism*'.

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2.2. Section 36 of the CT&S Act sets out the duty on local authorities and partners of local panels to provide support for people vulnerable to being drawn into terrorism. In England and Wales, this duty is met through Channel panels.

2.3. In recognition of the importance of this duty the statutory guidance *Channel Duty Guidance: Protecting people vulnerable to being drawn into terrorism*, 2020 states that as a designated statutory duty, the requirements of Channel should be reflected in relevant local policy, guidance and the local authority's constitution.

2.4. The Community Safety Partnership has governance responsibility for the Channel Panel and the Community Safety officer reports on Prevent activity at each meeting.

3. Channel Panel responsibilities

3.1. Channel is designed to work with individuals of any age who are at risk of being exploited by extremist or terrorist ideologies. For those cases where it is assessed there is a risk of radicalisation, a multi-agency Channel panel chaired by the local authority will meet to discuss the referral and decide on what tailored package of support can be offered to the individual. Participation in Channel is voluntary and confidential and is not a criminal sanction.

3.2. The Channel panel is chaired by the local authority and includes a variety of statutory partners such as the police, children's services, social services, education professionals and mental health care professionals. If a Channel intervention is required, the panel works with local partners to develop an appropriate tailored support package. The type of support available is wide-ranging, and can include help with education or career advice, dealing with mental or emotional health issues, drug/alcohol abuse, online safety training for parents and specialist mentoring from a Channel Intervention Provider. The support package is monitored closely and reviewed regularly by the Channel panel.

3.3. The CT&S Act is intended to secure effective local cooperation and delivery of Channel in all areas, and build on the good practice already operating in many areas. In practice this means:

- local authorities will have a Channel panel in their area
- the local authority will provide the panel chair and deputy chair
- the panel will develop a support plan for individuals adopted as Channel cases
- where Channel is not appropriate, the panel will consider alternative forms of support, including health care and social care services
- the panel will ensure accurate records are kept detailing the support plan, agreed actions and decision-making and outcomes
- all partners of a panel as far as is appropriate and reasonably practicable, will cooperate with the police and the panel in the carrying out of their functions

4. To adhere to the statutory guidance it is recommended that the Constitution be amended to reflect that the Cabinet Member – Communities and Housing has the responsibility for the Council's responsibilities under the CT&S Act 2015.

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Report to:	Audit and Governance Committee Adjourned Annual Council	Date of Meeting:	Wednesday 17 March 2021 Thursday 20 May 2021
Subject:	Audit and Governance Terms of Reference		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Regulation, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

This report reviews the current terms of reference for the committee and recommends a revised terms of reference in order to comply with best practice as recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA).

Audit and Governance Committee

Recommendation:

That the revised terms of reference be recommended to Council for adoption.

Council

Recommendation:

That the revised terms of reference for the Audit and Governance Committee be adopted.

Reasons for the Recommendation(s):

In order for the Council's Audit and Governance Committee to adhere to best practice as recommended by CIPFA.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

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What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
Legal Implications:
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable:
Facilitate confident and resilient communities:
Commission, broker and provide core services: The purpose of an audit committee is to provide those charged with governance assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance process.
Place – leadership and influencer: See above
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6329/21) and the Chief Legal and Democratic Officer (LD.4430/21.) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

Contact Officer:	David McCullough
Telephone Number:	Tel: 0151 934 2008
Email Address:	david.mccullough@sefton.gov.uk

Appendices:

- Appendix 1 – Current Terms of Reference
- Appendix 2 – Revised Terms of Reference

Background Papers:

There are no background papers available for inspection.

1. Introduction

- 1.1 Chartered Institute Public Finance and Accountancy (CIPFA) has issued Practical Guidance for Local Authorities and Police on the role of the Audit Committee in Local Authorities and the Police. This publication sets out CIPFA's guidance on the function and operation of audit committees in local authorities and police bodies, and represents best practice for audit committees in local authorities throughout the UK and for police audit committees in England and Wales.
- 1.2 This publication incorporates *CIPFA's Position Statement: Audit Committees in Local Authorities and Police* (2018) ('the Position Statement'), which sets out CIPFA's view of the role and functions of an audit committee as well as model Terms of Reference for a Public Sector Audit Committee – Appendix A CIPFA Model Terms of reference for Audit Committee.

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2. Audit and Governance Committee Terms of Reference

- 2.1 The Council's Audit and Governance Committee has been reviewed compared to the proposed model Terms of Reference from CIPFA and a number of changes have been incorporated into a proposed revised Terms of Reference to ensure that the Committee meets the good practice outlined in the publication.
- 2.2 As part of the review it was noted that not all of the existing responsibilities included in the current Terms of Reference are reviewed by the Committee, for example by an exception report provided at least once a financial year, which would help to ensure that the Committee discharged its duties effectively. An example of this is whistleblowing and money laundering.
- 2.3 The changes, enclosed as Appendix 2 Proposed Sefton Audit and Governance Committee Terms of reference, essentially adopt the model CIPFA Terms of Reference and include additional responsibilities that the Council's Audit and Governance Committee have, which are not included in the model Terms of Reference, including:
- To consider the Council's arrangements for health and safety and receive regular assurances and assessments on the effectiveness of these arrangements.
 - To consider write-offs of debt above £10,000.
 - To have responsibility for all standards issues relating to the Council's Members Code of Conduct
 - To recommend changes to the Council's Constitution
- 2.4 Members are requested to review the proposed Terms of Reference, offer comments and provide a recommendation to Council for their adoption.
- 2.5 Following the approval of the Terms of Reference by Annual Council in May 2021 a proposed work plan will be brought to the following meeting of the Audit and Governance Committee, June 2021, ensuring that through the delivery of the work plan all of the responsibilities of the Committee in the proposed Terms of Reference are discharged during the financial year.

3. Recommendation

- 3.1 Members are requested to recommend the adoption of the proposed Terms of Reference to Council for adoption

Appendix 1

Current Terms of Reference

- 24 To consider the Chief Internal Auditor's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's Corporate Governance arrangements.
- 25 To consider summaries of specific internal audit reports as requested.
- 26 To consider reports dealing with the management and performance of the providers of internal audit services.
- 27 To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- 28 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 29 To consider specific reports as agreed with the external auditor.
- 30 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 31 To liaise with the Audit Commission over the appointment of the Council's external auditor.
- 32 To commission work from internal and external audit.
- 33 To maintain an overview of the Council's constitution of contract procedure rules, financial regulations and codes of conduct and behaviour.
- 34 To review any issues referred to it by the Chief Executive or Head of Service, or any Council body.
- 35 To monitor the effective development and operation of risk management and corporate governance in the Council.
- 36 To consider the Council's arrangements for health and safety and receive regular assurances and assessments on the effectiveness of these arrangements.
- 37 To monitor Council policies on 'whistle-blowing' and the anti-fraud and anti-corruption strategy anti-money laundering, bribery and the Council's complaints process and review as necessary.

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- 38 To oversee the production of the authority's Statement of Internal Control and to approve its adoption.
- 39 To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 40 To consider the Council's compliance with its own and other published standards and controls.
- 41 To review and approve the annual statement of accounts in accordance with the relevant statutory timescales. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 42 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 43 To receive the audited accounts and activities of external service providers.
- 44 To make payments or provide other benefits in cases of maladministration etc. under Section 92 of the Local Government Act, 2000 in excess of £1,000.
- 45 To consider write-offs of debt above £10,000.
- 46 To make recommendations to the Council on the adoption, implementation and maintenance and review of a local Code of Conduct for Members – co-opted Members and officers of the Council.
- 47 To determine effective training of Councillors and Co-opted Members in matters of conduct and advice to individuals on issues relating to the treatment of interests and on the propriety of conduct generally.
- 48 To deal with the arrangements for Councillors to receive dispensations to speak on, or participate in, matters in which they have an interest.
- 49 To determine the appropriate action on matters referred to the Committee by the Monitoring Officer including disciplinary matters relating to the conduct of individual and/or groups of Councillors.
- 50 To ensure compliance throughout the Council with all appropriate Codes of Conduct and procedures from time to time determined by the Committee
- 51 To deal with appropriate matters referred to it from other Committees.
- 52 To determine any applications for the grant and supervision of exemptions from political restrictions in accordance with Section 3A of the Local Government and Housing Act 1989.
- 53 To determine whether a valid petition for a Community Governance review has been received and to determine the terms of reference for such a review, how the review

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will be conducted including the required consultation and consider replies to a consultation and then make a recommendation to Full Council on the preferred outcome. The Committee has the authority to establish a working group to undertake the committee's responsibilities in this regard.

Revised Terms of Reference

Statement of purpose

- 1 The Audit and Governance Committee is a key component of Sefton's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 2 The purpose of the Audit and Governance Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Sefton's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

- 3 To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- 4 To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- 5 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 6 To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

- 7 To monitor the effective development and operation of risk management and Corporate Governance in the Council.
- 8 To monitor progress in addressing risk-related issues reported to the committee including the Corporate Risk Register.
- 9 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 10 To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- 11 To monitor the following activities:
 - Counter-fraud/ bribery strategy, actions and resources.
 - Whistleblowing
 - Money Laundering
 - Council Complaints Process including make payments or provide other benefits in cases of maladministration etc. under Section 92 of the Local Government Act, 2000 in excess of £1,000.
 - Breaches of Financial Procedure Rules and Contract Procedure Rules
- 12 To review the governance and assurance arrangements for significant partnerships or collaborations and where appropriate obtain annual third party assurance statements.
- 13 To make recommendations to Council for amendments to the Constitution.
- 14 To make recommendations to the Council on the adoption, implementation and maintenance and review of a local Code of Conduct for Members – co-opted Members and officers of the Council.
- 15 To determine effective training of Councillors and Co-opted Members in matters of conduct and advice to individuals on issues relating to the treatment of interests and on the propriety of conduct generally.
- 16 To deal with the arrangements for Councillors to receive dispensations to speak on, or participate in, matters in which they have an interest.

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- 17 To determine the appropriate action on matters referred to the Committee by the Monitoring Officer including disciplinary matters relating to the conduct of individual and/or groups of Councillors including alleged misuse of a Members Self-Maintained Website.
- 18 To ensure compliance throughout the Council with all appropriate Codes of Conduct, including the Protocol for relationships between members and officers of Sefton Council, and procedures from time to time determined by the Committee
- 19 To deal with appropriate matters referred to it from other Committees.
- 20 To determine any applications for the grant and supervision of exemptions from political restrictions in accordance with Section 3A of the Local Government and Housing Act 1989.
- 21 To determine whether a valid petition for a Community Governance review has been received and to determine the terms of reference for such a review, how the review will be conducted including the required consultation and consider replies to a consultation and then make a recommendation to Full Council on the preferred outcome. The Committee has the authority to establish a working group to undertake the committee's responsibilities in this regard.

Internal audit

- 22 To approve the internal audit charter.
- 23 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 24 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 25 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 26 To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

- 27 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- 28 To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include
- a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
 - b) regular reports on the results of the Quality Assurance Improvement Plan (QAIP)
 - c) reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Assurance Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement (AGS).
 - d) to consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- 29 To consider the head of internal audit's annual report:
- a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- 30 To consider summaries of specific internal audit reports as requested.
- 31 To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

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- 32 To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 33 To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations (see Appendix A).
- 34 To provide free and unfettered access to the Audit and Governance Committee Chair for the head of internal audit, including the opportunity for a private meeting with the committee.

External audit

- 35 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- 36 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- 37 To consider specific reports as agreed with the external auditor.
- 38 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 39 To commission work from internal and external audit.
- 40 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Other Assurance areas

- 41 To consider the Council's arrangements for health and safety and receive regular assurances and assessments on the effectiveness of these arrangements.
- 42 To consider write-offs of debt/ assets above £10,000.
- 43 To regularly review the Council's Treasury Management activities

Financial reporting

- 44 To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

- 45 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

- 46 To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- 47 To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- 48 To publish an annual report on the work of the committee.

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Agenda Item 12

Report to:	Audit and Governance Committee	Date of Meeting:	Wednesday 17 March 2021
	Adjourned Annual Council	Date of Meeting	Thursday 20 May 2021
Subject:	Members Code of Conduct		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Regulation, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

The Local Government Association (LGA) has published a model Councillor Code of Conduct (the Model Code). The Model Code, attached at Appendix A, is described by the LGA as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government'. Guidance is expected to follow in April 2021.

Recommendation(s):

(1) That the Committee review the new Code of Conduct for Members and consider whether to recommend its adoption to Full Council.

Reasons for the Recommendation(s):

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. This is in response to a recommendation from the Committee for Standards in Public Life (CSPL) to the LGA and Government.

The Model Councillor Code of Conduct is a template for local authorities to adopt in whole and/or with local amendments.

Under the Localism Act 2011 all councils must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when that are acting

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in that capacity.

Alternative Options Considered and Rejected:

Not to review the Council's Member's Code of Conduct in light of the LGA Model Code risks Sefton's Code not remaining up to date with best practice.

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
Legal Implications: Under the Localism Act 2011 all councils must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when that are acting in that capacity. There is no national prescribed version of a code in England and no obligation to adopt a particular model. The code must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests.
Equality Implications: There are no equality implications arising directly out of this report.

Contribution to the Council's Core Purpose:

Protect the most vulnerable:
Facilitate confident and resilient communities:
Commission, broker and provide core services:

Place – leadership and influencer: Having a robust Members Code of Conduct adhered to by all members will demonstrate that members are accountable to the citizens of the borough. The Code is designed to protect the democratic role of members, encourage good conduct and safeguard the public’s trust in local government.
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD 6336/21) has been consulted and any comments have been incorporated into the report. The Chief Legal and Democratic Officer (LD 4437/21) is the author of the report.

(B) External Consultations

None

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

Appendix A – revised Code of Conduct

Background Papers:

There are no background papers available for inspection.

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1. Introduction

Pursuant to the provisions of the Localism Act 2011 the Council must promote and maintain high standards of conduct by its members and co-opted members. In discharging this duty, the Council must adopt a code dealing with the conduct that is expected of its members and co-opted members when they are acting in that capacity.

2. The Council must ensure that a code adopted by it is, when viewed as a whole, consistent with the following Seven Principles of Public Life principles—

- selflessness;
- integrity;
- objectivity;
- accountability;
- openness;
- honesty; and
- leadership.

3. In addition, the Council must ensure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of-

- pecuniary interests, and
- interests other than pecuniary interests.

The Local Government Association (LGA) Review

4. The LGA undertook a review of the member model code of conduct in response to the recommendations made by the Committee on Standards in Public Life, but also in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.

5. The LGA aimed to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It aimed set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.

6. The LGA's objectives in reviewing the model code of conduct were to:

- articulate what local government believes are good standards for all in public office

- show leadership in good standards of conduct for those in public office, both elected and as employees
- achieve consensus between the stakeholders affected by local government conduct
- support its member councils and partners in achieving good standards of conduct
- produce a code that is fit for purpose, useful and held in high regard
- enhance the reputation of local government and local politicians
- support the good running of councils
- support all democratically elected local representatives to deliver their best on behalf of their local communities
- build on the good practice that already exists within member councils

7. The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

8. In introducing the new model code the LGA issued the following statement:

8.1. "The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors."

8.2. As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

8.3. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

8.4. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government."

9. The new model code is attached at Appendix A and some of the main points of difference to the Council's current code are:

9.1. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

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9.1.1. you misuse your position as a councillor

9.2. Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

10. The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

11. The new code keeps the obligation to treat others with respect and not to bully any person but it provides helpful definitions of these terms.

12. The new code introduces an obligation to undertake code of conduct training provided by the Council and to cooperate with a code of conduct investigation and / or determination.

13. In terms of gifts and hospitality the new code increases the amount of gift or hospitality that needs to be registered with the Monitoring Officer from £25 to £50.

Conclusion

14. In accordance with the Council's statutory duty to promote and maintain standards of conduct members are asked to consider whether the new code should be adopted by the Council in its entirety or in part or to keep the current code. Code of Conduct training sessions will be held for all members and co-opted members in the new municipal year.

Appendix A

New Members Code of Conduct

Definitions

For the purposes of this Code of Conduct, a “Member” means a member or co-opted member of a local authority [or a directly elected mayor]. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;

For the purposes of this Code of Conduct, “local authority” includes the upper tier councils, town or parish councils and the combined authorities across the Liverpool City Region.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Member and local government.

General principles of Member Conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Member.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Member.

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In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Member.

This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:

- you misuse your position as a Member; or
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Members are

encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Member conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Member:

1.1 I treat other Members and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member-officer protocol.

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2. Bullying, harassment and discrimination

As a Member:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the local authority

As a Member:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way

that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Member:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority

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must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Member:

5.1 I do not bring my role or local authority into disrepute.

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the local authority whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Member:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a Member:

7.1 I do not misuse local authority resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. **act in accordance with the local authority's requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Member:

- 8.1 **I undertake Code of Conduct training provided by my local authority.**
- 8.2 **I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local

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authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a Member:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the local authority.

You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Pre-Determination or Bias

As a Member I:

10.1 Never place myself under any financial or other obligation to outside individuals or organisations who might seek to influence me in the performance of my official duties.

10.2 Consider all matters with an open mind and make decisions based upon weighing the best evidence before me, fairly and on merit.

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your role as Member. However, you must ensure that your integrity is not compromised.

You may be pre-disposed to a number of outcomes to a decision, based upon your, philosophy, beliefs or political allegiance (including any application of a Group whip), but this must not predetermine your actions or the outcome of a decision you are to make. You must always remain open to the potential for further evidence or argument to alter any previously expressed or held viewpoint at the time of making your decision. For this reason, particularly in relation to contractual matters or those affecting individuals' civil rights, it is often best to be cautious about how or if your views are expressed before coming to make a decision.

11. Gifts and hospitality

As a Member:

11.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

11.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

11.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

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Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

“**Standard Dispensation**” means a dispensation that has been granted by the Authority relieving the member or co-opted member from the restrictions or obligations under this Code as detailed in **Table 3** below.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Disclosure and Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation or a Standard Dispensation applies. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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Disclosure of Other Registerable Interests and Non-Registerable Interests (Personal and Prejudicial Interests)

Personal Interests

6. Where a matter arises at a meeting which **affects**:
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing the interest the following test should be applied

Prejudicial Interests

7. In the following instances, you must disclose the interest and you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

- a. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**).
 - b. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate.
 - c. Where a matter **affects** your financial interest or well-being:
 1. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 2. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
8. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the local authority) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Member, 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.
Contracts	Any contract made between the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

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Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the council; and) the tenant is a body that the Member, or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where—) that body (to the Member's knowledge) has a place of business or land in the area of the council; and (b) either—) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member, or his/ her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority

- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public

Table 3: Standard Dispensations

- 2. You will not be regarded as having a prejudicial interest in any business where that business relates to:
 - (a) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (b) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (c) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (d) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
 - (e) any ceremonial honour given to one or more Members; or
 - (f) the setting of the authority's council tax requirement, council tax, levy or a precept under the Local Government Finance Act 1992.

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Report to:	Audit and Governance Committee	Date of Meeting:	Wednesday 17 March 2021
	Adjourned Annual Council		Thursday 20 May 2021
Subject:	Proposed changes to the constitution in relation to Planning Committee		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member Planning and Building Control		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary: It is proposed to change the constitution in relation to the exercise of the Council's planning powers in two key areas.

Changes are proposed to clarify what matters are delegated to Planning Committee to make sure that the more significant types of applications are reported to Committee and those which are more routine are not reported to Committee. This will result in the more efficient management of Planning Services' workload.

Minor changes are also proposed to when petitions are submitted and to the public speaking process.

Recommendations:

(1) that Council are asked to approve the proposed changes to matters which are delegated to Planning Committee and matters which will not be determined by Planning Committee as set out in Table 1 and reflected in the revised wording set out in Figure 1

(2) that Council are asked to approve the proposed changes to the public speaking process as set out in section 3 of the report.

Reasons for the Recommendations:

It is considered that the proposed changes would clarify those applications which are reported to Planning Committee. The minor changes proposed to public speaking at Committee would make the process more efficient, transparent and fair.

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Alternative Options Considered and Rejected: (including any Risk Implications)

The first proposal is to clarify what already happens. The only alternative is to retain the current wording which has been the source of some confusion.

The second proposal seeks minor improvements to the process of speaking at Committee and the only alternative is to stick with the current approach.

What will it cost and how will it be financed?

(A) Revenue Costs

It is not expected that the changes will result in any change to costs.

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None
Legal Implications:
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: The proposals give applicants an opportunity to explain any technical proposals at the discretion of the Chair of Planning Committee
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD 6339/21) and the Chief Legal and Democratic Officer (LD 4440/21) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer:	Steve Matthews
Telephone Number:	Tel: 07870 379722
Email Address:	steve.matthews@sefton.gov.uk

Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

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1. Introduction/Background

1.1 It is proposed to change the constitution in relation to the exercise of the Council's planning powers in the following areas:

- matters which are delegated to Planning Committee and matters which will not be determined by Planning Committee
- minor amendments to the public speaking process.

2. Matters which are delegated to Planning Committee and matters which will not be determined by Planning Committee

2.1 The reason for proposing changes to what is delegated to Planning Committee is to make sure that the more significant types of applications are reported to Committee and those which are more routine, less contentious or where there is a tight statutory timescale for determination are not reported to Committee. This will enable more efficient management of the Planning Services' workload and promote timely decisions.

2.2 The current wording has allowed some ambiguity in what should be delegated to Planning Committee and what will not be determined by Planning Committee. The term 'planning application' is used in the constitution but this is capable of being defined in different ways. The proposed changes list clearly those kinds of applications which would not be determined by Planning Committee but will be delegated to the Chief Planning Officer). These include those which are more minor in nature, for example Certificates of Lawfulness, approval or variation of conditions, and advertisement consent. A full list is set out in Table 1 below.

2.3 The proposed changes also make clear that applications which require an Environmental Impact Assessment (and which are therefore likely to be contentious) will be reported to Planning Committee.

2.4 The proposed changes in Table 1 set out:

- the existing situation
- what is proposed, and
- the reason for the change.

2.5 The implications of these changes for the wording of the constitution are set out in Figure 1 which immediately follows Table 1.

TABLE 1

DELEGATION TO PLANNING COMMITTEE AND WHAT WILL NOT BE DETERMINED BY PLANNING COMMITTEE : TABLE SHOWS WHAT EXISTS CURRENTLY, WHAT IS PROPOSED AND THE REASON FOR THE SUGGESTED CHANGE

(Chapter 7, paragraphs 22 & 23)

Existing	Proposed	Reason
22(a) – currently members can call in application by written request	Amended to require receipt of call in within 21 days of neighbour notification letter. Must be done on agreed template. Now 22(c)	Improved certainty to process for all parties including applicants.
22(b) – requires 5 objections on major applications to go to committee	Amended to refer to “representations” where this aligns with the officer recommendation.	Addresses anomaly where officers can delegate refusal of a well-supported scheme. Ensures consistency and fairness in decision making.
22(d) – where an application raises an issue of principle	Now reverts to 22(f) and rebranded to allow discretion to Chief Planning Officer where application requires more public debate.	Gives CPO more flexibility to bring applications that would benefit from wider debate.
23 (b) – applications subject to written request or petition, and officer recommendation in line with request or petition	Now reverts to 23(a).	Greater certainty for officers.
23 (c) – applications for phone masts and use of Urgent Referrals	Now covered by 23 (g) which covers all ‘prior approval’ applications.	Prior approval is permission in principle and applications must be determined in a timely manner.
New	New paragraph 22(a) for planning applications requiring Environmental Impact Assessment.	Enables Members to make decisions on applications of wider environmental significance.
New	New paragraph 23(b) confirming householder applications will go to Committee if objection received and subject to written request.	Ensures democratic process, but limits the need for random call-ins just for political benefit.
New	Paragraphs 23 (d), (e), (f), (g), (h), (i) and (j) to clarify all other forms of application NOT to be determined by Planning Committee regardless of written	Committee can concentrate on more significant forms of development, improving performance of Service overall.

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	request.	
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FIGURE 1

HOW THE CONSTITUTION WOULD READ IF THE CHANGES ARE AGREED – CHAPTER 7, PARAGRAPHS 22 & 23

PLANNING COMMITTEE

22 Determination of applications comprising:

- a) planning applications for EIA (Environmental Impact Assessment) development
- b) major planning applications¹ which are the subject of five or more representations on planning grounds (Section 70 of the Town and Country Planning Act 1990), except where the application is being recommended for determination by officers in line with those representations
- c) planning applications which are subject of a formal written request² from a Council Member or are the subject of a petition endorsed by a Council Member (except as set out in paragraph 23 below)
- d) a material departure from the development plan
- e) planning applications for their own private development made by serving Councillors or Senior Officers at Head of Service level or above or any member of staff of Planning Services
- f) any application at the Chief Planning Officer's discretion which is considered to require more formal public debate.

23 The following applications will not be considered by the Planning Committee irrespective of any Member's written request, unless otherwise stated:

- a) Any planning application which is subject to a written request by a Council Member, or which is the subject of a petition endorsed by a Council member, but which is to be recommended for approval or refusal by the Chief Planning Officer in line either with the view of the Council Member who made the written request or the wish of the petitioner
- b) Applications for householder development³, unless objection has been received from one or more adjoining neighbours and a written request has been received from a Council Member under paragraph 22(c) above
- c) Applications for Certificates of Proposed or Existing Lawfulness
- d) Applications for advertisement consent
- e) Applications for 'relevant demolition' in a conservation area
- f) Applications for Listed Building Consent and other heritage consents
- g) Applications made under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent order revoking or re-enacting said Order

¹ 'major planning applications' for the purpose of the above comprise

a) 10 or more dwellings, or the site area is 0.5 hectares or more where the number of dwellings is not specified

b) new floor space (other than changes of use) of 1000 sq. metres or more, or the site area is 1 hectare or more where the floorspace involved is not specified

² 'formal written request' comprises a template to be completed in full (including the reason for the request) and submitted to the Chief Planning officer within 21 days of the date on which neighbours are notified.

³ Householder developments are defined as those within the curtilage of a dwellinghouse which require an application for planning permission and are not a change of use. Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses including footway crossovers, porches and satellite dishes

- h) Applications for the removal, variation or approval of planning conditions subject to paragraph 22(f) above
- i) Applications for non-material amendments
- j) Applications for works under TPO or for tree works in Conservation Areas.

3. The public speaking process

3.1 Three minor amendments are sought to the public speaking process:

- to clarify that petitions should be submitted within the notification period of an application: this is not specified at the moment and can cause problems with petitions being submitted even after the agenda has been published
- to enable the applicant or agent to speak even if the petitioner fails to appear: currently an applicant/ agent can only speak in response to the petitioner; sometimes the petitioner fails to turn up and the applicant or agent can travel a long way prepared to speak on behalf of the application, and is deprived of this opportunity at the last minute
- to allow the applicant or agent to speak for up to 5 minutes at the discretion of the Chair of Planning Committee: it may be helpful for Members to be able to hear the viewpoint of an applicant and to be able to ask questions (e.g. applications of a complex or technical nature), even if there is no objection to the scheme for the applicant to respond to.

4. CONCLUSION

4.1 This report recommends two sets of proposed changes to the constitution in relation to the exercise of the Council's planning powers.

4.2 The first set of changes aims to clarify what matters are delegated to Planning Committee and those matters which will not be determined by Planning Committee. The focus is on making sure that the more significant types of applications are reported to Committee and those which are more routine, less contentious or where there is a tight statutory timescale are determined by the Chief Planning Officer. This will assist in offering an efficient planning service and in meeting statutory timescales for making decisions.

4.3 The second set of changes are minor amendments to the public speaking process at Planning Committee. These would make clear the date by which any petition should be submitted, enable an applicant or agent to respond even if the petitioner fails to show up, and would enable the applicant / agent to speak at Committee at the Chair's discretion.

4.4 The proposed changes would bring greater clarity to what is determined by Planning Committee and to submitting a petition, and greater fairness and transparency to the process of speaking at Committee.

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Agenda Item 14

Report to:	Audit and Governance Committee	Date of Meeting:	Wednesday 17 March 2021
	Adjourned Annual Council		Thursday 20 May 2021
Subject:	Revisions to Employee Code of Conduct		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	None
Portfolio:	Regulatory, Compliance and Corporate Service		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To obtain approval for revisions to the Employee Code of Conduct policy.

Recommendation(s):

(1) That the revised Employee Code of Conduct is recommended to Council for approval.

Reasons for the Recommendation(s):

Following an audit review of Ethics and Code of Conduct conducted by Internal Audit. The audit report highlighted several recommendations, which were reviewed and addressed in the attached revised draft Employee Code of Conduct.

Alternative Options Considered and Rejected: (including any Risk Implications)

No

What will it cost and how will it be financed?

(A) Revenue Costs

None

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(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): Bi-annual mandatory training for all employees in the form of an e-learning short course.
Legal Implications: None
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: positive
Facilitate confident and resilient communities: positive
Commission, broker and provide core services: positive
Place – leadership and influencer: positive
Drivers of change and reform: positive
Facilitate sustainable economic prosperity: positive
Greater income for social investment: positive
Cleaner Greener: positive

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Chief Legal and Democratic Officer and the Executive Leadership Team/Strategic Leadership Board have been consulted regarding the proposed changes

The Executive Director of Corporate Resources and Customer Services (FD6322/21.) and the Chief Legal and Democratic Officer (LD4473/21) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable

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Implementation Date for the Decision

Immediately following the Committee meeting.

Contact Officer:	Joanne Mercer
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Appendices:

The following appendices are attached to this report:

- Draft revised Employee Code of Conduct
- Recommended format for Service Area Registers

Background Papers:

The following background papers, which are not available elsewhere on the Internet, are attached to the report.

- Internal Audit Report – Ethics and Code of Conduct

1. Introduction/Background

1.1 Internal Audit carried out an audit review of Ethics and Code of Conduct. This review was undertaken as part of the Internal Audit Plan 2020/21.

1.2 The objectives of this audit review were:

- To provide Senior Management Corporate Resources with assurance that the risks are being adequately managed and addressed in respect of the key auditable areas of Ethics and Code of Conduct, and
- The Audit review to contribute to the overall opinion on the strength of internal control within the Council, which is reported on and provided by the Chief Internal Auditor as part of the Internal Audit Annual Report.

1.3 Following the audit, a report was provided to the Chief Legal and Democratic Officer and Chief Personnel Officer. The audit report highlighted several recommendations, which were reviewed and addressed in the attached revised draft Employee Code of Conduct.

2. Overview of revisions

2.1 A copy of the draft Employee Code of Conduct is attached at Appendix A and B.

2.2 Listed below is an overview of the proposed amendments to the policy:

- a) References to associated policies updated
- b) Reference to availability of declaration forms on the intranet updated

- c) Additional sections included detailing the Framework for the Code (section 2.0) and Anti-Fraud, Bribery, Corruption with a link to the Council's policy (section 3.0)
- d) Updated requirement for each Executive Director/Head of Service to ensure their Service Area Registers are maintained/up-to-date in the recommended format and submitted each financial year to the Monitoring Officer by the 30th April (section 16.5). A new recommended format for Registers is available at Appendix E of the policy.
- e) A new declaration procedure flowchart has been included at appendix A to improve clarity.
- f) All declaration forms have been updated at appendix B.C, D
- g) Employee conduct in relation to equal opportunities at appendix F has been updated
- h) The Member/Officer Protocol from the Constitution has been included as part of the policy at appendix G
- i) Previous employee guide to the code of conduct removed as this led to a duplication of the policy.

2.3 In addition, bi-annual online refresher training will also be designed and developed in conjunction with the Workforce Learning and Development team to increase and raise awareness of the Employee Code of Conduct to ensure compliance with the policy. The training would be in the form of an e-learning course similar to the Council's current mandatory information compliance e-learning course.

2.4 Subject to approval of the Audit and Governance Committee, the Employee Code of Conduct would then proceed to Council for approval and inclusion in the Constitution.

3. Implementation

3.1 It is proposed that the policy will be communicated to all employees following approval.

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Sefton Council – Code of Conduct

October 2020

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The Code and its Purpose

1. The Code of Conduct (the Code) was approved by the Council on 8th January 1997 and has since been updated on a number of occasions to comply with best practice. The Code has been communicated to all departments.
2. The purpose of the Code is to provide employees with guidance on the behaviour and conduct which is expected of them as public sector employees, so as to protect them from any misunderstanding or criticism.
3. The main areas covered by the Code include disclosure of information, undertaking additional employment, offers of gifts/hospitality, appointments and political neutrality. In certain circumstances, employees are required to complete a declaration form, the arrangements for which are described below.
4. The Code applies to **all** employees of the Council, and is commended to schools; it should, therefore, be included in the induction of new starters to the Authority.

Declaration Forms

5. Declaration forms are available on the Council's Intranet. These forms relate to **Sections 4, 5 and 13** of the Code, which are concerned with personal or financial interests, gifts/hospitality, and additional employment.
6. **PART A** of the form is for the declaration of offers of gifts/hospitality and other favours. The reason for declaring gifts/hospitality/favours is to demonstrate the openness and integrity of the Authority and its employees. As with many codes/procedures, it is not possible to define specific limits on what is or is not acceptable; however, gifts which are of a promotional or insignificant nature, such as calendars, diaries or office sundries, which are offered to a wide variety of people, and thank you gifts of a token nature, are generally acceptable. Any other offers of gifts/hospitality/favours, whether or not they are accepted, must be declared by the employee on **PART A** of the declaration form. Gifts donated to charity must also be recorded on the declaration form.
7. **PART B** of the form is for the declaration of personal or financial interests and for declaration of membership of/association with clubs/organisations. Employees must declare any personal or financial interest that they consider conflict with the Council's interests using **PART B** of the declaration form.
8. **PART C** of the form (**AE1**) is concerned with requests for approval to undertake additional employment. No employee is permitted to undertake additional work which conflicts with the interests of the Authority. Employees must not undertake any additional work without the express consent of the Authority. Employees must put their request in writing to their Head of Service using **PART C (AE1)** of the form. In line with the policy "Additional Employment during off Duty Hours" **all** employees are required to provide information relative to any additional employment they undertake.
9. Declaration forms should be forwarded to the Executive Director/Head of Service; forms completed by Heads of Service/Executive Directors should be forwarded to the Chief Executive. Responses must be made within **ten working days** to declaration forms, and a copy of the form, together with the response/acknowledgement, must be retained on the employee's personal record (excluding declarations for gifts, hospitality or favours) and recorded on the Service Area Register maintained by each Executive Director/Head of Service. A copy of form **PART B** (Declaration of Personal/Financial Interest) must be sent to the Chief Legal and Democratic Officer. Where a decision is made not to allow additional employment or participation in a particular activity, a full reason must be provided.

Additional Information

10. The Code does not provide an exhaustive list of when an employee should make a declaration; there is an onus on the employee to consider whether a particular course of action may lead to accusations of impropriety; as a general rule, where an employee has any doubt, then he/she should not accept offers and must declare the matter on the appropriate form.
11. Where an employee is dissatisfied with the administration of the Code of Conduct in his/her particular case, he/she should use the Council's Grievance Procedure.
12. The Code is admissible as evidence and may be taken into account in disciplinary hearings which relate to matters covered by the Code.

Links to Other Policies

- Politically Restricted Posts
- Additional Employment During Off Duty Hours
- Whistleblowing Policy
- Equal Opportunities Policy Statement
- Grievance Procedure
- Disciplinary Procedure and guidelines
- Anti-Fraud, Bribery & Corruption Policy
- The Bribery Act 2010
- Contract Procedure Rules
- Financial Procedure Rules
- Recruitment and Selection guidelines
- Induction Policy
- Data Protection and Information Handling
- Information Compliance
- Social Media Policy
- ICT Acceptable Use Policy
- Constitution
- Protocol for relationships between members and officers of Sefton Council

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CODE OF CONDUCT FOR ALL EMPLOYEES

1.0 Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code is intended to provide guidance to assist all employees of the Council in their day-to-day work.
- 1.2 The Code sets out the minimum standards that are required of employees. The aim of the Code is to lay down guidelines for employees which will help maintain and improve standards and protect employees from misunderstanding or criticism that they have been influenced by improper motives.
- 1.3 Inevitably, some of the issues covered by the Code will affect senior managerial and professional employees more than it will others but the Code is intended to cover **all** employees of the Council and is commended to schools, and other organisations associated with the Council, for adoption.
- 1.4 The Code requires employees to declare their interests or seek approval for certain activities and refers to the circumstances in which such declarations must be made. Paragraph 16 describes the practical arrangements for the making of declarations, and the relevant forms are included as annexes. Declaration forms are also available on the Council's Intranet under Personnel Policies and Procedures.

2.0 Framework for the Code

- 2.1 The Code takes into account the requirements of legislation and national/local terms and conditions of employment
- 2.2 National Agreement on Pay and Conditions of Service (the National Agreement)

The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service:

- **Official Conduct**
 - *Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained; and*
 - *Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.*

Similar provisions are incorporated in the National Conditions of Service of Chief Officers.

- 2.3 The Bribery Act 2010, and the Local Government Act 1972 are relevant.

The Bribery Act 2010 makes it an offence for an employee to give advantage to someone in return for favours in relation to the Council's business (see section 3.0 of the Code, Anti-Fraud, Bribery and Corruption).

Section 117 of the Local Government Act 1972 requires that employees notify the authority in writing of any direct or indirect financial interests which they have in any Council contracts, or proposed contracts, of which they become aware. Breach of Section 117 is a criminal offence subject to a fine (see section 4.0 of the Code Financial, Personal and Other Interests).

2.4 Seven Principles of Public Life

This Code reflects the seven principles of public life (also known as ‘the Nolan Principles’) which outlines the ethical standards those working in the public sector are expected to adhere to.

Principle 1 – Selflessness

You should act solely in terms of the public interest.

Principle 2 – Integrity

You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in their work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

Principle 3 – Objectivity

You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Principle 4 – Accountability

You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

Principle 5 – Openness

You should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Principle 6 – Honesty

You should be truthful.

Principle 7 – Leadership

You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3.0 **Anti-Fraud, Bribery and Corruption**

3.1 The Council is committed to the protection of public funds and seeks to fulfil its responsibility to reduce the risk of fraud, bribery and corruption through an integrated approach which includes deterrence, prevention, detection and investigation of incidences.

3.2 Where fraud, bribery or corruption is identified, whether from internal or external sources, appropriate action will be taken as necessary. This may include disciplinary and/or legal action. The penalties for committing an offence under the Bribery Act 2010 can be serious. Failing to prevent bribery can result in a fine. Offences of giving or receiving a bribe can result in fines and/or up to 10 years’ imprisonment.

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- 3.3 The Council's framework for managing the risk of fraud includes a commitment to:
- maintain an anti-fraud culture across the organisation
 - minimise opportunities for fraud, bribery and corruption through effective systems, procedures and controls
 - maintain effective systems and procedures for the detection of fraud, corruption and bribery
 - investigate confirmed reports of fraud, bribery and corruption in an appropriate manner
 - report incidents of fraud, bribery and corruption to the appropriate authorities as appropriate
 - ensure staff are aware of the risks of fraud, bribery and corruption and their obligations
 - impose sanctions and recovering losses where fraud, bribery and corruption is identified
- 3.4 [The Council's Anti-Fraud, Bribery and Corruption Policy](#) (the Policy), available on the intranet, sets out the Council's approach to managing the risk of fraud, bribery and corruption, both internally and externally, and applies to all individuals who work for the Council e.g. employees, members etc. and those who have dealings with the Council e.g. partners, suppliers, contractors, service users, customers etc.
- 3.5 The Policy includes details of the Council's strategy in preventing, detecting, investigating fraud, bribery and corruption. It provides guidance on how any individual can report, in confidence, any suspected fraudulent or corrupt activity.
- 4.0 Financial, Personal and Other Interests**
- 4.1 Any financial interests of an employee which could conflict with the Authority's interests, e.g. work for which a fee is received must be declared on the correct form and forwarded to his/her line manager or the Executive Director/Head of Service for appropriate action (**see section 16 and form at Appendix C**). It is a criminal offence, under the provisions of the Local Government Act 1972, for an employee to accept in the course of his/her employment any fee or reward other than his/her proper remuneration.
- 4.2 Interests of a non-financial nature which may conflict with the Authority's interests (for example, if an employee is involved in a decision making capacity with an outside organisation that has dealings with the Council, e.g. grant requests) must also be declared on the correct form and forwarded to his/her line manager or Executive Director/Head of Service for appropriate action (**see section 16 and form at Appendix C**). Such a declaration must be made as soon as an employee becomes aware of the possibility of any such conflict arising or indeed that may be perceived/construed as arising. A good test is for the employee to ask himself/herself whether others would think that the interest is of a kind to make this possible. An employee must avoid any action which may create the impression that he/she is using his/her position to promote a private or personal interest. Private and personal interests include those of the employee's family and friends, as well as those arising through membership of, or association with clubs, societies and other organisations. Employees must be sensitive to the suspicion that can be generated from belonging to organisations which have secrecy about rules, membership or conduct and are encouraged to declare any involvement.
- 4.3 A more detailed explanation on the disclosure of financial and non-financial interests can be found on the reverse of **Part B** of the form.

5.0 Gifts, Hospitality and Other Favours

- 5.1 All gifts, offers of hospitality and other favours, however received, must be declared and recorded by the employee on **PART A** of the declaration form. Declaration forms are available on the Intranet (**see section 16 and form at Appendix B**).
- 5.2 In the event of an employee receiving a legacy or bequest from a person for whom services have been provided by the authority, or from a relative of such a person, a declaration by the employee must be made on **Part A** of the declaration form.
- 5.3 It is recognised that in the private sector, corporate hospitality and promotions are often accepted as part of the normal conduct of business. However, within local government a greater burden or responsibility rests with employees not only to ensure that all dealings are completely beyond reproach but also to be able to demonstrate it publicly.
- 5.4 It is accepted that gifts and favours, such as hospitality, may be offered by outside agencies in good faith and purely in the furtherance of promoting a good working relationship and understanding. Constant refusals to accept such offers could impair essential working relationships and possibly create an atmosphere of distrust with a consequential detrimental effect on the business being conducted.
- 5.5 Where employees find themselves in a position where they have to refuse and/or return gifts or favours, they must not behave in ways which donors of gifts/favours might regard as impolite or unnecessarily critical of a private sector practice. These situations must be handled diplomatically.
- 5.6 It is sometimes acceptable to the giver, for a gift, which in other circumstances would be refused as in (above) to be donated instead to charity. An arrangement of this sort must only be made with Executive Director/Head of Service approval, must be recorded on the declaration form, and the giver informed in writing that the gift has been donated to charity.
- 5.7 Any offer of gifts, favours or hospitality made to an employee must be treated with extreme caution. Employees are personally responsible for avoiding the risk of damage to public confidence which could result from acceptance of inappropriate inducements. Common sense dictates whether the level of hospitality or the nature and scale of any gifts is appropriate to the particular circumstances in which they arise. As a general rule an employee must only contemplate accepting a gift if it is of token value or nature. Gifts of a promotional or insignificant nature offered to a wide variety of people (e.g. calendars, diaries, office sundries) are generally acceptable as are tokens of thanks, and hospitality is acceptable where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, and not extravagant. All offers/acceptances of gifts (other than basic office sundries, etc.) must be recorded, regardless of whether they are accepted or declined.
- 5.8 Gifts, hospitality or favours must not be accepted from the same party on a frequent or regular basis to avoid any concern that proper working relationships are consequently being compromised.
- 5.9 Where any suggestion of improper influence may be inferred, gifts or hospitality must be refused (and declared). Special caution is necessary where hospitality is offered by a person or body seeking contracts with, or licences or permissions or grant assistance from the Authority, especially where the offer is to an individual employee. For example, a working lunch immediately prior to the acceptance of a tender, or the letting of a contract, may be questionable, whereas it could be acceptable during the currency of the contract.

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- 5.10 Offers of free or significantly reduced goods or services, vouchers or any other item with a significant cash value or offers of loans, works to personal property or holidays must be refused. Offers to attend purely social or sporting functions may be accepted only when these are part of the life of the community or where the Authority must be seen to be represented. Where it is considered appropriate to accept offers of hospitality, including purely social and sporting events, authorisation must be obtained **in advance**, prior to acceptance of the offer. This should be clearly recorded on the appropriate form.
- 5.11 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent is given in advance by the Executive Director/Head of Service or other nominated Manager and where the Authority is clearly not compromised in any way.
- 5.12 The essential principle is that gifts and favours must not affect proper working relationships or allow concern that they are affecting proper working relationships. A secretive treatment of gifts and favours is much more likely to give rise to concern of impropriety than favours dealt with in the open knowledge of colleagues.
- 5.13 If in any doubt as to the acceptability of any offers of gifts, hospitality, etc., the advice of the employee's line manager or Executive Director/Head of Service must be sought.

6.0 Sponsorship - Giving and Receiving

- 6.1 Where an outside organisation wishes to sponsor a Council activity, whether by invitation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply (see above). Particular care must be taken when dealing with contractors or potential contractors.
- 6.2 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the employee's line manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

7.0 Use of Financial Resources

- 7.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

8.0 Disclosure of Information

- 8.1 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor must they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.
- 8.2 The proceedings of Committees and Sub-Committees from which the press and public have been excluded to enable the discussion of exempt or confidential matters must not be disclosed by employees to the press or public.

- 8.3 Employees must ensure that confidential or sensitive documents are not left where they can be read by other staff or members of the public.

9.0 Relationships with Others

Councillors

- 9.1 The role of some employees is to give advice to Councillors and senior managers and all employees are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing both to other employees and Councillors and must, therefore, be avoided. Any requests from Councillors for preferential treatment for themselves, their families or friends must be declared. The Protocol for relationships between Members and officers of the Council can be found at **Appendix G** of the Code.

The Local Community and Service Users

- 9.2 Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

Contractors

- 9.3 All relationships of a business or private nature with external contractors, or potential contractors, must be declared. Orders and contracts must be awarded on merit, by fair competition against other tenders, and special favour must not be shown to businesses run by, for example, friends, partners or relative in the tendering process.
- 9.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare their interest.

Related Party Transactions

- 9.5 Senior Officers must disclose whether they, or a close member of their family, or someone from the same household, have a controlling interest in a related party, i.e. an organisation (e.g. companies, partnerships or trusts) that receives a significant proportion of its business from the Council. **Note:** A related party transaction can occur even if there are no financial transactions, e.g. if services were provided free of charge.

10.0 Separation of Roles During Tendering

- 10.1 Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the Authority. Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

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- 10.4 Employees contemplating a management buyout must, as soon as they have formed a definite intent, declare their interest and withdraw from the contract awarding processes.
- 10.5 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11.0 Appointments

- 11.1 When applying for jobs within the Authority, candidates must state whether they have a close personal relationship or are related to any Councillor or Senior Manager within the Authority. If it is found, after appointment, that a candidate has failed to declare such information, then he/she shall be liable to dismissal.
- 11.2 Employees who are involved in recruitment and selection must ensure that appointments are made on the basis of merit, and that candidates are considered on the basis of their ability to undertake the duties of the job in accordance with the Authority's Recruitment and Selection Policy.
- 11.3 In order to avoid any accusation of bias, any employee who is involved with an appointment where he/she is related to an applicant, or has a close personal relationship with an applicant, must declare this fact to his/her manager, and must not be involved in the recruitment process.
- 11.4 It is similarly important that employees are not involved in decisions about the promotion, discipline or payment of monies to any other employee to whom they are related, or with whom they have a close personal relationship. Any employee who may find him/herself in such a situation must declare the fact to his/her manager immediately.
- 11.5 Canvassing of staff or Elected Members for any appointment under the Council shall automatically disqualify the candidate. Employees must declare any such incidents.

12.0 Political Neutrality

- 12.1 Some jobs within the Authority are politically restricted. This means that the employees in these posts are not allowed to take part in political activities, such as standing as a candidate for election to a public body, canvassing at elections or being a non-executive Director of a Health Trust, etc. The posts are listed in the [Politically Restricted Posts Policy](#) in the Personnel Handbook of Policies and Procedures.
- 12.2 Employees in politically restricted posts are, as part of their Contract of Employment, obliged to observe the regulations. If they fail to do so, they are in breach of their contract and subject to disciplinary action.
- 12.3 All employees, regardless of whether their posts are politically restricted, serve the Authority as a whole, and must not allow their personal or political views to interfere with their work. No bias must be shown by employees who must ensure that they provide equal service to Members of all political groups, regardless of their own personal views.

13.0 Additional Employment

- 13.1 Employees may wish to undertake additional work outside the Authority. This is not permissible for any employee in circumstances where the work conflicts with the interests of the Authority.

- 13.2 Employees are not permitted to engage in any other business without declaring the work/activity and obtaining the express consent of the Authority. An employee who wishes to undertake additional work must make his/her request, in writing using **Part C - form AE1**, to his/her Executive Director/Head of Service (**see section 16 and form at Appendix D**). Any employee who fails to do so will be liable to disciplinary action.
- 13.3 No employee is allowed to carry out other business or additional work in the Authority's time, on the Authority's premises, or using the Authority's equipment. Any employee who does so will be liable to disciplinary action.

14.0 Intellectual Property

- 14.1 Intellectual property means any inventions, creative drawings, writings, computer systems or programmes.
- 14.2 Some employees may be involved, during the course of their work within the Authority, with the production of intellectual property. This property belongs to the Authority, and employees must not use it in any connection other than with his/her work for the Authority. Employees are not permitted to use intellectual property for their own personal gain, or to pass on such property, or information relating to it, to anybody outside the Authority.
- 14.3 Employees must be aware that the reproduction of the Authority's intellectual property outside the Authority is unlawful.
- 14.4 These rules apply equally to employees who leave the Authority and move to another employer, it would be unlawful for them to use intellectual property belonging to Sefton Council in their new employment. Similarly, any employees who have employment elsewhere are obliged to observe these conditions.

15.0 Equality

- 15.1 The Council has an equal opportunities statement on service delivery and also an equal opportunities policy which aims "to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable".
- 15.2 Every employee has a duty to behave in a non-discriminatory way towards all individuals with whom he/she has contact at work, including Councillors, members of the local community, customers and other employees. Further information regarding equal opportunities and employee conduct can be found at **Appendix F**.

16.0 Declarations

- 16.1 A written record of all declarations or requests must be made on the appropriate form. The forms can be found on the Intranet, under Personnel Policies & Procedures, Conduct in the Workplace, [Code of Conduct](#). All declarations forms must be securely held and recorded by each Executive Director/Head of Service on their Service Area Register. The recommended format for Registers is available in at **Appendix E**. A flowchart is available at **Appendix A** which sets out the procedure for making a declaration.

16.2 Gifts, Hospitality or Favours – PART A

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- 16.2.1 All offers of gifts, hospitality or favours must be declared on **PART A** of the form. This form relates to **Section 4** of the Code, which provides an explanation as to the circumstances in which a declaration must be made.
- 16.2.2 Employee's must forward completed forms to their line manager.
- 16.2.3 The employee's line manager will forward these to their Executive Director/ Head of Service for appropriate action.
- 16.2.4 The Executive Director/Head of Service or nominated Senior Officer must countersign all declarations made by employees on receipt of a declaration form for appropriate action. Responses must be made within **ten working days** to declaration forms.
- 16.2.5 Declarations by Executive Director/Heads of Service must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Chief Legal and Democratic Officer and will be made available to the party leaders upon request or in the event of a decision being required.
- 16.2.6 All declaration forms, together with the response/acknowledgement, must be securely held and recorded by the Executive Director/Head of Service on the Service Area Register (or by the CE in the case of Executive Director/Heads of Service). Any queries or allegations should, in the first instance, be directed to the Executive Director/Head of Service to enable an appropriate response to be initiated.
- 16.2.7 In response to declarations it is feasible for the Executive Director/Head of Service (or CE) to initiate or make further enquiries as appropriate.

16.3 Personal or Financial Interests - PART B

- 16.3.1 **PART B** of the form must be used for the declaration of personal or financial interests and for the declaration of membership of clubs/associations. **Section 3** of the Code provides an explanation as to the circumstances in which a declaration must be made.
- 16.3.2 Employee's must forward completed forms to their line manager.
- 16.3.3 The employee's line manager will forward these to their Executive Director/ Head of Service for appropriate action.
- 16.3.4 The Executive Director/Head of Service, or nominated Senior Officer, must countersign all declarations made by employees on receipt of a declaration form for appropriate action. Responses must be made within **ten working days** to declaration forms.
- 16.3.5 Declarations by Executive Director/Head of Service must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Chief Legal and Democratic Officer and will be made available to the party leaders upon request or in the event of a decision being required.
- 16.3.6 All declaration forms, together with the response/acknowledgement, must be securely held and recorded by the Executive Director/Head of Service on the Service Area Register (or by the CE in the case of Executive Director/Heads of Service). A copy of the form must be held on the employee's personal record and a copy must be sent to the Chief Legal and Democratic Officer. Any queries or allegations should, in the first instance, be directed to the Executive Director/Head of Service to enable an appropriate response to be initiated.
- 16.3.7 In response to declarations it is feasible for the Executive Director/Head of Service (or CE) to initiate or make further enquiries as appropriate. Where a decision is made not to allow participation in a particular outside activity, a full reason will be provided.

16.4 Additional Employment - PART C

- 16.4.1 **PART C** of the form (**AE1**) must be used for requests for approval to undertake additional employment. **Section 13** of the Code provides an explanation as to the circumstances in which a declaration must be made.

- 16.4.2 Employee's must forward completed forms to their line manager.
 - 16.4.3 The employee's line manager will forward these to their Executive Director/ Head of Service for appropriate action.
 - 16.4.4 The Executive Director/Head of Service or nominated Senior Officer must countersign all declarations made by employees on receipt of a declaration form for appropriate action. Responses must be made within **ten working days** to declaration forms.
 - 16.4.5 Declarations by Executive Director/Head of Services must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Chief Legal and Democratic Officer and will be made available to the party leaders upon request or in the event of a decision being required.
 - 16.4.6 All declaration forms, together with the response/acknowledgement, must be securely held and recorded by the Executive Director/Head of Service on the Service Area Register (or by the CE in the case of Executive Director/Heads of Service). A copy of the form should be placed on the employee's personal record. Any queries or allegations should, in the first instance, be directed to the Executive Director/Head of Service to enable an appropriate response to be initiated.
 - 16.4.7 In response to declarations it is feasible for the Executive Director/Head of Service (or CE) to initiate or make further enquiries as appropriate. Where a decision is made not to allow outside employment a full reason will be provided.
- 16.5 All Service Area Registers containing all employee declarations must be open for inspection at any time and without prior notice to the following:
- a) Chief Executive
 - b) Executive Directors and Heads of Service
 - c) The Monitoring Officer
 - d) Internal Auditors
 - e) External Auditors

It is the responsibility of each Executive Director/Head of Service to ensure that their Service Area Register is up-to-date and maintained in the recommended format. Registers must be submitted each financial year to the Monitoring Officer by the 30th April.

17.0 Suspected Impropriety

- 17.1 The Council expects employees to report suspected impropriety, or serious concerns relating to any aspect of the Council's work. Employees may be assured that provided their action is well founded, treated as confidential within the Authority and pursued as specified in the Whistleblowing Policy the Council will support them and confidences will be respected. Those who voice their concerns can do so without fear of victimisation, subsequent discrimination or disadvantage.

18.0 Convictions

- 18.1 The Council has access to criminal records for those employees whose posts would involve responsibility for children and/or other vulnerable groups or posts that are exempt from the Rehabilitation of Offenders Act 1974. This is referred to as a Disclosure and is obtained via the Disclosure and Barring Service (DBS).
- 18.2 Employees whose roles are subject to Disclosures must report any indictments / convictions during the course of their employment to their Managers.

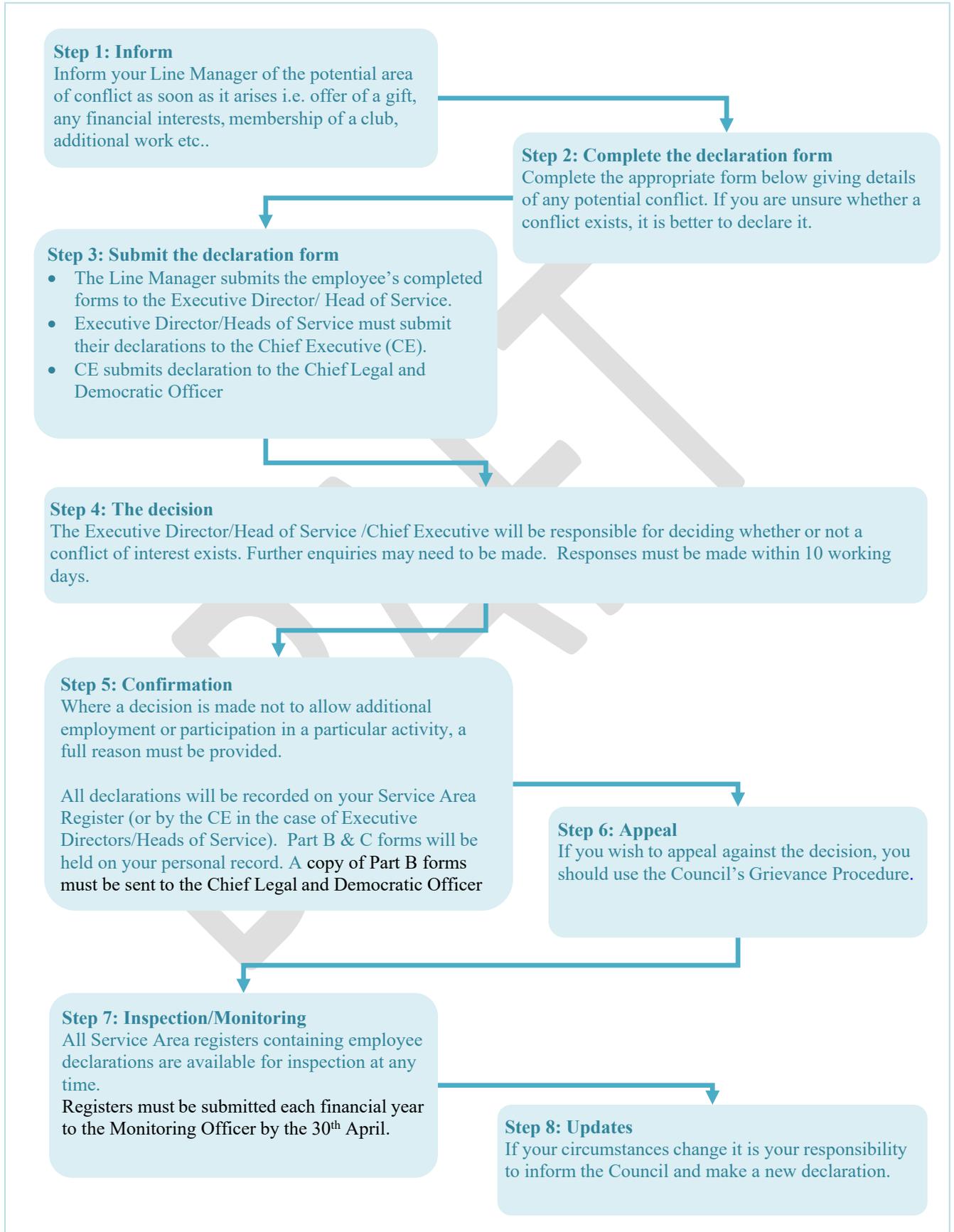
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19.0 Summary

- 19.1 This document is not intended to provide a complete list of all areas where declarations of interest are required. It is intended to show the most common areas where problems may occur. The onus is on the employee to consider whether the course of action, which he/she intends to take, may lead to accusations of impropriety. As a general rule, if an employee is in any doubt then he/she must not accept offers, etc., and must declare the matter on the appropriate form.
- 19.2 This code will be made widely available to employees and must be included in the induction material provided to new starters.
- 19.3 The provisions of the code are admissible as evidence and may be taken into account in disciplinary hearings relating to matters covered by the code.
- 19.4 Any employee who is dissatisfied with any aspect of the administration of the code in his/her particular case will have access to the Council's Grievance Procedure.
- 19.5 The Chief Personnel Officer is responsible for monitoring the operation of the code.

This code is reviewed annually. All employees should therefore ensure they regularly familiarise themselves with the Code and its contents.

Appendix A: Making a declaration



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Appendix B

(Updated October 2020)

GIFTS, HOSPITALITY OR FAVOURS EMPLOYEE DECLARATION

This form should be used when reporting an offer of a gift, hospitality or favour to be recorded on the Service Area Register in accordance with the guidance above.

NAME _____ TEL. NO _____
POSITION _____ GRADE _____
EMPLOYEE NUMBER _____ LINE MANAGER'S NAME _____
DEPARTMENT _____
SERVICE AREA _____

PART A. DECLARATION

I wish to declare:

Subject of Declaration *(Give full details of the matter which you wish to declare including, if applicable, the name of the person/organisation who made the offer/approach to you; the date/time when the event happened and your response; estimated value. Gifts donated to charity must be recorded on the declaration. Continue on a separate sheet if necessary.*

Signed: _____ Date: _____

Authorised by: _____ Print name: _____
(Executive Director/Head of Service/Nominated Senior Officer)

Date: _____

Received on:		Date entered on Service Area Register	
Acknowledged on:			
Reply sent on: (If appropriate)			

PERSONAL OR FINANCIAL INTERESTS

(i) Disclosure of Pecuniary and Non-Pecuniary Interest

The Local Government Act 1972 Section 117 makes specific provision requiring employees to disclose (make known) pecuniary (monetary or financial) interests, whether direct or indirect, in any contract with which the Council is concerned (“conflicts of interest”). The relevant extracts from Section 117 are as follows:

- (a) If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority to the fact that he is interest therein.
- (b) An officer of a local authority shall not, under cover of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

(ii) Failure to declare an interest may be a criminal offence

- (a) Section 117 of the local Government Act 1972 states that employees are required to give notice in writing to the Chief Executive as soon a practicable of any interest under that section.
- (b) There are also areas other than contracts where pecuniary interest must be disclosed even though there is no statutory requirement. Remuneration from a firm which as dealing with the Council is a direct interest. If the remuneration were to be paid by the firm to a partner or relative this would also be regarded as a direct interest.

“Remuneration” includes commission, honoraria, dividends, agency fees and interest, as well as salary, wages or fees. “Firm” includes all organisations and individuals.

(iii) Non-pecuniary Interest

There may be a conflict of interest even where no pecuniary interest or advantage exists or accrues. This covers areas where relationships might be seen to influence judgements and convey the impression of personal motive. A simple example is where a Council employee, who works for a voluntary association, is also directly involved during the course of his/her employment, with claims for grant from the Council. When such circumstances arise, the employee must advise their Executive Director/Head of Service in writing of their interest on **PART B** of the declaration form.

You must not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest including those of your family and friends as well as those arising through membership of, or association with, clubs, societies and other organisations.

In order to avoid any possible accusations of bias, employees must not be involved in an appointment where they are related to an applicant or have close personal relationship outside work with him/her. Similarly, employees must not be involved in decision relating to discipline, promotion or pay adjustments, for any other employee who is a partner or relative. Equally, the canvassing of Members or Officers of the Council for yourself or anyone else in relation to a job appointment is strictly prohibited and will lead to automatic disqualification for the person concerned and disciplinary action for yourself.

The Council recommends that all interests, financial or otherwise which could be seen as creating a possible conflict, are disclosed.

PART C. ADDITIONAL EMPLOYMENT - EMPLOYEE DECLARATION (Form AE1)

(Updated October 2020)

Name		Department & Service Area	
Position:		Grade	
Employee No.		Date of Appointment	
Name of Line Manager/Supervisor		Tel. No.	

Details of **your existing** working arrangements: *(Please provide details of hours worked per week, together with details of actual days/nights worked if operating on a shift system)*

Complete **PART 1** if your additional employment is **within** the Council.
 Complete **PART 2** if your additional employment is **outside** the Council.
 Complete **PART 3** if your additional employment is **self-employment**.

If you have **more than one additional job** please complete Part 1, 2 or 3 (as appropriate) and continue on a separate sheet.

PART 4 to be completed by **all** employees declaring additional employment.

PART 1 (if your additional employment is **within** the Council)

Department			
Designation		Grade	
Employee No.		Date of Appointment	
Name of Line Manager/Supervisor		Tel. No.	

Details of **additional** working arrangements: *(Please provide details of hours worked per week, together with details of actual days/nights worked if operating on a shift system)*

PART 2 (if your additional employment is **outside** the Council)

Designation		Date of Appointment	
Name and Address of Employer			
Tel. No.			

Details of **additional** working arrangements: *(Please provide details of hours worked per week, together with details of actual days/nights worked if operating on a shift system)*

PART 3 (if your additional employment is **self-employment**)

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Date of Commencement	
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Details of additional working arrangements: *(Please provide details of hours worked per week)*

PART 4 (to be completed by **all** employees)

Would any of the work, which you propose to undertake involve transactions with the Authority, or require the approval of the Authority (e.g. building plans, operating a residential home etc.):

Do you consider that the work, which you propose to undertake, would conflict in any way or react detrimentally to the Authority's interests or in any way weaken public confidence in the conduct of the Authority's business?

Signature		Date	
-----------	--	------	--

PART 5 (To be completed by the Executive Director/Head of Service/**or nominated Senior Officer**)

Consent given (please tick as appropriate): Yes No

Signature	
Print Name	
Date	

(Note: if consent refused a full reason must be given to the employee and he/she will have the opportunity to appeal under the Grievance Procedure)

Received on:		Date entered on Service Area Register	
Acknowledged on:		Date copy sent to THR for Employee Personal record	
Reply sent on: (If appropriate)			

Appendix F

Equal Opportunities – Employee Conduct

Equal Opportunities Policy

Sefton Council is an Equal Opportunities Employer. It strives to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

What you are expected to do in relation to the policy

To make the policy work, every employee has a responsibility to act in a fair, respectful and considerate manner towards colleagues, members of the public, clients/customers and councillors.

The lists below give examples of what is expected from you at work.

Employees of Sefton Council are expected to treat people with dignity:

- by respecting individual rights and the right to be different;
- by respecting individual beliefs and feelings;
- by treating others as they wish to be treated;
- by making it acceptable for all individuals to voice an opinion or share a problem.

Respect the differences in other people:

- by not displaying offensive material;
- by not using offensive language or making hurtful remarks or jokes;
- by thinking of the impact of their actions and words on others;
- by listening to what individuals tell them if they are upset.
- by catering for cultural diversity

By following these guidelines, you will be upholding Sefton's equality policy, and will be contributing to the Council's status as an equal opportunities employer. You will also be complying with the Council's Code of Conduct for employees.

Further Information

Further information about equality and diversity in Sefton Council can be found on the [intranet](#).



The Council holds the Navajo Charter Mark in recognition of our commitment and knowledge of the specific needs, issues and barriers facing lesbian, gay, bisexual and transgender (LGBT) people.

The Navajo Merseyside & Cheshire LGBT Charter Mark is an equality mark sponsored by In-Trust Merseyside & Sefton Embrace and supported by the LGBTQ Community networks across Merseyside.



The Council is a Disability Confident Employer which means that it is committed to removing barriers for disabled people and those with long term health conditions in employment. As part of this scheme candidates are able to apply for all non-schools vacancies under a guaranteed interview scheme.

Equality and Diversity Training is available through the Workforce Learning and Development Team.

The courses, 'Equality & Diversity Awareness' and 'Equality & Diversity for Managers' are designed to help learners to understand more about their responsibilities for promoting equality and diversity in the workplace.

For further information please visit the intranet or for any queries email training.services@sefton.gov.uk or call 0151 934 2872.

(Updated October 2020)

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Dated September 2020

CHAPTER 11 – OFFICERS AND MEMBERS G PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF SEFTON COUNCIL

INTRODUCTION

73. The Purpose of this Protocol is to serve Members and Officers as a guide to conducting their relationship in a way that promotes good governance. This is not intended as a comprehensive guide, aimed to cover all eventualities but rather as an outline of the core principles. The guidance in this Protocol is underpinned by the duties and obligations contained within the respective individual Codes of Conduct for Members and Officers.

DEFINITIONS

74. Unless the context indicates otherwise, references to the term Council include the Cabinet, Overview and Scrutiny Committees, and other committees and sub-committees.

75. Unless the context indicates otherwise, the terms Member and Members includes elected Councillors and non-elected Members who have been co-opted to serve as part of a formal Committee structure or process

76. Officers and staff mean all persons employed by the Council.

77. Senior officer shall mean all senior management posts graded Hay 5 or above, this will generally refer to Heads of Service and above.

78. Party Group shall mean any group or part thereof acting in a party political capacity.

PRINCIPLES

79. Members and officers must at all times observe the principles set out in this protocol.

80. The protocol has been approved by full Council and the Council's Audit and Governance Committee will monitor its operation.

81. Whilst Members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only for as long as their term of office lasts. Officers are accountable to the Council as a whole for as long as they are employed. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.

82. Good governance flows from a shared ethos or culture, as well as from systems and structures.

83. It is imperative to good governance and the integrity of the Council that the Members and Officers demonstrate a high level of respect and professional conduct in their dealings with one another.

84. To achieve good governance this code builds upon the seven principles for the code of people in public life that were established by the Committee on Standards, known as

the Nolan Committee, as revised by the Localism Act 2011. These principles are located in Chapter 2 of the Constitution – Members' Code of Conduct

85. These revised Nolan principles underpin this protocol. Officers are also bound by the Council's own code of conduct for employees and, in some cases, by the codes of their professional associations.

THE ROLE OF MEMBERS

86. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior officer(s) and/or the Monitoring Officer.

87. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

88. Members represent their electoral ward and are advocates for the citizens who live in their area.

89. Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.

90. Members may approach officers of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their duty.

91. Members must respect the impartiality of officers and do nothing to compromise it.

THE ROLE OF OFFICERS

92. Officers are responsible for giving advice to Members to enable them to fulfil their role. In doing so, officers will take into account all available relevant factors.

93. Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees) officers manage and provide the Council's services within the framework of responsibilities delegated to them.

94. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

95. Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers in politically restricted posts.

THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS: GENERAL

96. The conduct of Members and officers should be such as to instil mutual confidence and trust.

97. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other both publicly and privately.

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98. Officers work to the instructions of their senior officers, not individual Members. It follows that, whilst such officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers.

99. Members should direct their requests and concerns to the appropriate officer, in the relevant department. If there is any doubt on the part of the Member as to whom the appropriate officer is, or in light of the nature of the particular request or concern, Members are asked to approach a senior officer with the relevant department.

100. Officers reserve the right to refer a matter to a more senior officer, where they feel that it would not be appropriate to deal with the Member's request.

MEMBERS OF COMMITTEES OR SUB-COMMITTEES AND OFFICERS

101. This section does not apply to the role of Cabinet or Cabinet Members, whilst acting in their capacity as Cabinet Member.

102. The appropriate senior officers will offer to arrange regular informal meetings with chairs or vice-chairs of committees or sub committees.

103. Senior officers (including the Monitoring officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.

104. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct officers to act.

105. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chair. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

PARTY GROUPS AND OFFICERS

106. Senior officers may properly be asked to contribute when a party group deliberates matters concerning Council business.

107. Officers will review their attendance at a party group meeting, should the party group include individuals who are not Members of the Council.

108. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.

109. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.

110. Officer support is limited to providing factual information or professional advice in relation to matters of Council business.

111. Officers will respect the confidentiality of any party group discussion at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members.

112. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis. Any such information will also be subject to the confidentiality requirements contained in Employees' Code of Conduct. (Chapter 12)

113. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

114. No Member will refer in public or at meetings of the council to advice or information given by officers to a party group meeting.

LOCAL MEMBERS AND OFFICERS

115. Members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirements to keep local Members informed thus allowing Members to contribute to the decision-making process and develop their representative role.

116. Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed.

117. Whenever a public meeting or event is organised by the Council with respect to a local issue, the relevant Cabinet Members and/or Members representing the wards affected will usually be invited to attend the meeting as a matter of course.

118. If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:

- a) an officer may attend but is not obliged to do so, and
- b) the meeting may be held in Council-owned premises.

120. No such meetings should be arranged or held in the immediate run-up to Council elections. Any such meetings must comply with the Purdah¹ guidelines, which should be consulted when seeking clarity on such issues.

121. In the Purdah period it may be necessary to convene a public meeting due to an emergency situation or a previously unknown matter for which it would not be in the local public's interest to postpone. In these circumstances it will be appropriate for Officers and Members to attend the meeting with a view to resolving the local issue.

122. It is acknowledged that some Council staff may receive and handle messages for Members on topics unrelated to the Council. Care should be taken to avoid Council resources being used for private or party political purposes.

123. In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures.

124. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution.

125. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. Where information is requested on behalf of a third party, it will only be provided if:

¹ The term Purdah means the pre-election period in the UK; it refers to the time between when an election is announced and the final election results. The Cabinet guidance prior to each election.

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a) it is in the public domain, and

b) it is not barred by the Data Protection Act 2018 (as amended) from being given.

126. Every Member of a committee, and/or any other committee or sub-committee has a right to inspect documents about the business of the particular Committee.

127. A Member who is not a Member of a particular committee, other committee or sub-committee, or the Cabinet may have access to any document of that specific part of the Council provided:

a) he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Member (the "need to know" principle), and

b) the documents do not contain "confidential" or "exempt" information as defined by the law.

128. Disputes as to the validity of a Member's request to see a document on a "need to know" basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member's request.

129. Where any person is expected to be present at the meeting of a particular committee, other committee or sub-committee or Cabinet, where documents containing confidential or exempt information (as defined under the Access to Information Procedure Rules (Chapter 12)), are to be discussed or distributed and the person in question is not privy to that information, then the following procedure shall be followed:

a) In advance of the meeting and at earliest possible notice, the relevant Officer of the Council shall be notified that such person may be present, and

b) Upon receipt of such notification, the Officer shall advise of the appropriate course of action at the meeting in order to ensure that the confidential or exempt information remains secure.

130. A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

a) where to do so is likely to be in breach of the Data Protection Act 2018 (as amended), or

b) where the subject matter is one in which he/she has a disclosable pecuniary or other interest as defined in the Members' code of conduct.

131. Information given to a Member must only be used for the purpose for which it was requested.

132. It is an accepted convention that a Member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.

133. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

134. When requested to do so, officers will keep confidential from other Members advice requested by a Member.

135. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

CORRESPONDENCE

136. Correspondence between an individual Member and an officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, that is there should be no "blind" copies.

137. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (for example representations to a Government Minister) for letters to appear in the name of a Cabinet Member or the chairman of an Overview and Scrutiny committee.

138. The Mayor may initiate correspondence in his/her own name.

139. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.

140. When writing in an individual capacity as a ward Member, a Member must make clear that fact.

141. If a Member has another role, distinct from their role as a Member, which regularly requires correspondence with the Council, the Member must make it clear in which capacity they are seeking information or advice.

142. When corresponding through any social media sites or public forums, Members and officers must have regard to the general principles of this code and the ICT and Information Security Policy.

ACCESS TO PREMISES

143. Officers have the right to enter Council land and premise to carry out their work. Some Officers have the legal power to enter property in the ownership of others.

144. Members have a right of access to Council land and premises to fulfil their duties. If appropriate, Members may wish to alert the relevant Head of Service and/or Director when they are visiting Council premises, particularly those that are not generally open to members of the public.

145. When making visits in their official capacity as elected Members, Members should adhere to their code of conduct plus any particular rules and regulations that apply to the site they are visiting.

USE OF COUNCIL RESOURCES

146. The Council provides all Members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as Members of the Council. They should not be used for private purposes or in connection with party political or campaigning activities.

147. Members should ensure they understand and comply with the Council's own rules about the use of such resources. Members should not put pressure on staff to provide resources or support which officers are not permitted to give, such as political or personal matters.

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INTERPRETATION, COMPLAINTS AND ALLEGATIONS OF BREACHES

148. This part of the protocol should be read in conjunction with the Council's "Whistleblowing" policy.

149. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

150 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the officer's manager or the relevant senior officer.

151 An officer who believes a Member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer.

152 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.

CONSEQUENCES FOR BREACHING THE CODE

153 A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary or capability procedure.

154 Breaches by a Member may be referred to the leader of the relevant party group, or in more serious cases may also involve breaches of the Member's code of conduct, and may be referred to the Council's Audit and Governance committee.

Report to:	Council	Date of Meeting:	20 May 2021
Subject:	Green Homes Grant (GHG) Local Authority Delivery (LAD) Round 2 Scheme		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	Netherton, Litherland, Linacre
Portfolio:	Cabinet Member - Regulatory, Compliance and Corporate Services Cabinet Member - Communities and Housing		
Is this a Key Decision:	Yes	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

An urgent request for approval is sought to ensure that Sefton can benefit from over £2 million, 100% grant funding. Spending this funding is time critical to ensure residents receive the benefits and that no proportion of the funding is returned due to slippage in delivery. The programme is due to complete on 31 December 2021 and there is no guarantee of an extension.

Sefton Council have received a direct award of £1.9M capital and £0.225M revenue funding to retrofit 215 poorly insulated homes for low income Sefton residents. The funding has come from The Department of Business Energy & Industrial Strategy (BEIS) as part of the government’s post covid 19 response.

Due to the level of the grant funding, authority to accept the funding as well as secure permission to procure and award works is required from Council.

The funding is the Green Homes Grant (GHG) Local Delivery Scheme (LAD) phase 2, which will be referred to as LAD2 throughout this report.

Recommendation(s):

Council is asked to approve:

- Seek approval to approve a supplementary capital estimate of £1.9M and supplementary revenue estimate of £0.225M.
- That authority be delegated to a nominated officer, in this instance The Executive Director of Corporate Resources and Customer Services in consultation with the Cabinet Member Regulatory, Compliance and Corporate Services, to appoint a contractor via a direct award from the Procure Plus framework and then enter into the contract once the procurement process is completed in order to undertake the required works,.

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Reasons for the Recommendation(s):

If this funding is not accepted, residents will not receive the investment required to improve their home, which is designed to reduce fuel poverty, reduce carbon emissions, support local jobs and improve the communities where these homes exist.

The £1.9M capital and £0.225m revenue grant funding allocations are 100% grant and do not require any match funding from the council and there is no risk of clawback if the funding is fully utilised.

Delegated responsibility has been requested to help to streamline the governance of the project whilst maintaining full accountability. Any funding that is not utilised within the timeframe of the scheme (end date 31 December 2021) may be reallocated to other Local Authorities that are able to undertake the works in a timely manner.

Alternative Options Considered and Rejected: (including any Risk Implications)

Not to accept the funding – Rejected due to the loss of potential benefits to Sefton residents.

What will it cost and how will it be financed?

(A) Revenue Costs

100% of the revenue costs will be covered by the grant funding.

The existing Retrofit Team within Energy & Environmental Management Team, Sefton Council will manage the delivery of LAD2 and the revenue allocation will be used to extend existing secondments and provide one additional 10 month secondment.

(B) Capital Costs

100% of the capital funding will be covered by the grant funding award.

All capital funding will be provided by BEIS with the Liverpool City Region Combined Authority (LCR CA) acting as the accountable body.

Implications of the Proposals:

The following implications of this proposal have been considered and where there are specific implications, these are set out as follows:

Resource Implications (Financial, IT, Staffing and Assets):

The existing Retrofit Team within EEM Sefton Council will manage the delivery of LAD2 and the revenue allocation will be used to extend existing secondments and provide additional resources if required

Legal Implications:

Sefton Council will enter into a Grant Funding Agreement with the LCR CA to deliver the scheme in accordance with the specification set by BEIS (as directed by Sefton Council Legal Team).

<p>Sefton Council will enter a works contractor contract as a direct award from the Procure Plus Framework (as directed by the Sefton Council Procurement and legal teams).</p>									
<p>Climate Emergency Implications:</p> <p>The recommendations within this report will</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Have a positive impact</td> <td style="width: 20%; text-align: center;">Y</td> </tr> <tr> <td>Have a neutral impact</td> <td style="text-align: center;">N</td> </tr> <tr> <td>Have a negative impact</td> <td style="text-align: center;">N</td> </tr> <tr> <td>The Author has undertaken the Climate Emergency training for report authors</td> <td style="text-align: center;">Y</td> </tr> </table> <p>Retrofit of 215 poorly insulated homes will provide a positive impact by reducing fuel required to keep those homes warm as well as providing a cooling mechanism during heatwaves.</p>		Have a positive impact	Y	Have a neutral impact	N	Have a negative impact	N	The Author has undertaken the Climate Emergency training for report authors	Y
Have a positive impact	Y								
Have a neutral impact	N								
Have a negative impact	N								
The Author has undertaken the Climate Emergency training for report authors	Y								
<p>Equality Implications: n/a</p>									

Contribution to the Council’s Core Purpose:

<p><u>Protect the most vulnerable:</u> The scheme is designed to target the most vulnerable members of our communities by improving energy efficiency and reducing fuel poverty.</p>
<p><u>Facilitate confident and resilient communities:</u> The retrofit of homes will provide additional protection from extreme heat and cold. The works will improve the aesthetics of the local areas.</p>
<p><u>Commission, broker and provide core services:</u> n/a</p>
<p><u>Place – leadership and influencer:</u> n/a</p>
<p><u>Drivers of change and reform:</u> n/a</p>
<p><u>Facilitate sustainable economic prosperity:</u> The works are designed to support local jobs post Covid 19 pandemic.</p>
<p><u>Greater income for social investment:</u> The scheme aims to work in conjunction with Invest Sefton to utilise local contractors where possible.</p>
<p><u>Cleaner Greener:</u> The project to contribute to Council and Regional carbon reduction commitments and contribute to the Climate Emergency Strategy.</p>

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What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources & Customer Services has been consulted and reviewed the report (FD 6375/21)

The Chief Legal and Democratic Officer has been consulted and has no comments on the report (LD 4576 /21).

(B) External Consultations

n/a

Implementation Date for the Decision

Officers will be authorised to implement all decisions within this report immediately following Council on 22 April 2021

Contact Officer:	Stephanie Jukes and Neil Carroll
Email Address:	neil.carroll@sefton.gov.uk stephanie.jukes@sefton.gov.uk

Appendices:

None

Background Papers:

None

1.0 BACKGROUND

- 1.1 In Autumn 2020 The Department for Business Energy and Industrial Strategy (BEIS) announced a series of funding opportunities as part of the government's build back better programme as a response to the Covid 19 Pandemic. One of these funding opportunities was the Local Authority Delivery Green Homes Grant (LAD, GHG) aimed at improving the worst performing homes for the poorest in our community.
- 1.2 In the first round of this funding (LAD round 1b) the Liverpool City Region submitted a competitive consortium bid and were successful in securing funds. With Liverpool City Council (LCC) acting as the accountable body, Sefton committed to the retrofit of 30 properties (installing external wall insulation (EWI)). All finances, legal agreements and procurements will be managed and administered by LCC.
- 1.3 Phase 2 of the LAD GHG scheme was not a competition but a direct award to local authorities across England to ensure benefits were distributed across the country. Sefton's allocation, based on property types and income levels, was £1.9M capital and £0.225m revenue funding. The LCR CA is the accountable body and will report progress back to BEIS for the Liverpool City Region.
- 1.4 Confirmation of the award and route to delivery was confirmed at the end of April 2021.

2 AREAS TARGETED

- 2.1 Properties in the Netherton area have been identified for the delivery of LAD1b and LAD2 based on the construction type being of a system built "no fines" concrete nature or "cross wall" construction. It is difficult to insulate these properties due to the substantial investment needed to install external wall insulation. Additional properties in the Litherland and Bootle areas of solid brick construction will also be targeted.
- 2.2 This area was identified due to the high number of fuel poverty and housing standard requests from residents on the estate where all properties are of this construction. Houses on the estate owned by a social landlord have already received insulation works, however, residents who bought their home several decades ago under 'right to buy' often have no resource or expertise to install the measures needed to create a warm and healthy home.
- 2.2 The eligibility criteria of the grant funding targets low-income households (a combined income of below £30K per annum) with poor energy efficiency ratings. It is aimed at privately owned or rented households, and separate funding exists for social housing providers. Households will not have to provide a financial contribution to the proposed works.

3 ROUTE TO MARKET

- 3.1 The LCR CA together with the NW Energy Hub have established the procurement methodology that Local Authorities should follow. Following an in-depth review of framework providers, Procure Plus has been appointed by the LCR CA as the framework provider that all Local Authorities will utilise.

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- 3.2 Discussions with Procure Plus are at an advanced state, which will allow Sefton to direct award with confidence, and progress, time critical works as early as June 2021.

4.0 RISKS AND MITIGATION

- 4.1 **TIMESCALES**; The programme is required to complete works by the 31 December 2021. Acting quickly and utilising a direct award under an approved framework, will help to mitigate risk of slippage. A full programme management with regular reporting will help to track areas of concern at an early stage and rectify. Contracts will include staged payments, to ensure risk of clawback from any delays does not lie with Sefton Council. Officers will provide regular progress reports to Cabinet Member - Communities and Housing and Cabinet Member - Regulatory, Compliance and Corporate Services.
- 4.2 **QUALITY OF WORKS**; Works to residents' homes with Council association, must be of the highest quality. The works will require contractors to be Trustmark Accredited, employ retrofit coordinators to minimise the delivery assurance risk and ensure quality & compliance with PAS2035.
- 4.3 **SUPPLY CHAIN**; Limited capacity exists due to increased demand for retrofit works. Sefton Council will work with Procure Plus to ensure awards are only made to companies with the capacity and capability to undertake these specialist works within the agreed timescale.
- 4.4 **INTERNAL CAPACITY**; Utilising existing seconded staff with the necessary expertise from delivery of previous and current ERDF funded retrofit programmes, will provide the capacity and expertise required.
- 4.5 **CLAWBACK**; The £1.9M capital and £0.225m revenue grant funding allocations are 100% grant and do not require any match funding from the council and there is no risk of clawback if the funding is fully utilised.

5 FUTURE FUNDING

- 5.1 There are several additional funding opportunities such as GHG LAD round 3, Social Housing Decarbonisation Fund (SHDF) and a Home Upgrade Fund (HUG) available later in 2021.
- 5.2 Sefton Officers will continue to look for opportunities to continue these works and maximise future funding opportunities. The LCR CA estimate that there is a need to retrofit 20,000 homes per annum in the city region to achieve the 2040 target of net zero carbon.