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MEETING: AUDIT AND GOVERNANCE COMMITTEE
DATE: Wednesday 4th September, 2024
TIME: 3.00 pm
VENUE: Birkdale Room - Southport Town Hall, Lord Street, Southport, PR8 1DA

Member

Councillor
Councillor Robinson (Chair)
Councillor Roche (Vice-Chair)
Councillor Jim Conalty
Councillor Johnson
Councillor Maher
Councillor McNabb
Councillor Neary
Councillor Pugh
Councillor Shaw
Councillor Spring

Substitute

Councillor
Councillor Desmond
Councillor Murphy
Councillor Byrom
Councillor Hansen
Councillor Lunn-Bates
Councillor Hardman
Councillor Catie Page
Councillor Sammon
Councillor Sammon
Councillor Corcoran

COMMITTEE OFFICER: Amy Dyson
Democratic Services Officer
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If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

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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

(Pages 5 - 12)

Minutes of the meeting held on 19 June 2024

4. Corporate Risk Management

(To Follow)

Report of the Executive Director – Corporate Services and Commercial to follow

5. Risk and Audit Service Performance

(To Follow)

Report of the Executive Director – Corporate Services and Commercial to follow

6. Treasury Management Outturn 2023/24 and Position to July 2024

(To Follow)

Report of the Executive Director – Corporate Services and Commercial to follow

7. Current Position Relating to the Audits for 21/22 and 22/23

Report of the Executive Director – Corporate Services and

Commercial to follow

- 8. Audit and Governance Committee Annual Report 2023-2024** (To Follow)

Report of the Executive Director – Corporate Services and Commercial to follow
- 9. Review of Members Code of Conduct Complaints 2023 - 24** (Pages 13 - 18)

Report of the Executive Director – Corporate Services and Commercial
- 10. Review of the Council's Constitution** (Pages 19 - 32)

Report of the Executive Director – Corporate Services and Commercial
- 11. Work Programme Update Report** (Pages 33 - 38)

Report of the Executive Director of Corporate Services and Commercial

THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

AUDIT AND GOVERNANCE COMMITTEE

**MEETING HELD AT THE COMMITTEE ROOM - BOOTLE TOWN HALL,
TRINITY ROAD, BOOTLE, L20 7AE
ON 19 JUNE 2024**

PRESENT: Councillor Robinson (in the Chair)
Councillor Roche (Vice-Chair)

Councillors Johnson, Maher, McNabb, Neary, Pugh,
Shaw, and Spring

ALSO PRESENT: Rachel Oakes (Independent Member)

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Harrison-Kelly.

2. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

3. MINUTES

RESOLVED:

That the Minutes of the meeting held on 20 March 2024 be confirmed as a correct record.

4. ANNUAL REPORT AND OPINION OF THE CHIEF INTERNAL AUDITOR

The Committee considered the report of the Executive Director of Corporate Resources and Customer Services which summarised the work of internal audit during 2023/24 and provided the Chief Internal Auditor's opinion on the overall control environment operating within the Council during the year.

The report was a key requirement of the Public Sector Internal Audit Standards and outlined that the opinion for the 2023/24 financial year was adequate with adequate prospects for improvement.

The report included the below:

- Executive Summary
- Introduction
- Summary of Work Completed
- Performance

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- Public Sector Internal Audit Standards
- Overall Opinion
- Looking Ahead

The Committee discussed the following topics:

- School audits
- Financial sustainability
- High needs deficit

RESOLVED:

That the work of internal audit during 2023/24 and the overall opinion on the control environment of the Council during that period be noted.

5. CORPORATE RISK MANAGEMENT

The Committee considered the report of the Executive Director of Corporate Resources and Customer Services which provided an update on the Corporate Risk Register as detailed in Appendix A to the report.

The Chief Internal Auditor (CIA) presented the report indicating that the ownership of the content of the Corporate Risk Register rested with the Strategic Leadership Board.

The CIA indicated that since the last meeting held on 20 March 2024:

- No new risk(s) had been added to the Corporate Risk Register in the current quarter
- No risk had been de-escalated from the Corporate Risk Register

The Corporate Risk Management Handbook had been updated to reflect some updates identified by the external risk management review and the risk appetite statement. The external review of risk management draft report had highlighted a number of recommendations to improve risk management. There were other on-going initiatives to embed risk management within the Council including assurance mapping and horizon scanning.

Following consideration of the report, the Committee received a presentation from the Service Manager - School Improvement. The presentation updated the Committee on Academisation, as follows:

- Proposed Academy Conversions
- Reasons for Academisation
- Implications
- Historic and Current Response

Members of the Committee asked questions/commented on the following issues arising from the report and verbal update:

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- All Service Areas had updated their service risk registers bar 2
- Statutory responsibilities
- Diocese and Archdiocese Schools
- Capital Programme
- Whether or not a change in government would affect the academisation of schools
- School resources

The Committee requested that the two service areas that had not updated their Service Risk Register undertake this task as soon as possible and an update report on the Academisation of Schools be brought to a future meeting.

RESOLVED: That

- (1) the updated Corporate Risk Register, the nature of the major risks facing the Council and the planned actions in place to mitigate these risks, be noted;
- (2) the progress on the embedding of risk management within the Council be noted;
- (3) the revised Corporate Risk Management Handbook be approved;
- (4) the relevant services areas be requested to update their respective risk registers as soon as possible;
- (5) the Service Manager - School Improvement be requested to bring an update report on the Academisation of Schools to a future meeting; and
- (6) the Service Manager - School Improvement be thanked for their presentation.

6. RISK AND AUDIT PERFORMANCE

The Committee considered the report of the Executive Director of Corporate Resources and Customer Services which detailed the performance and key activities of the Risk and Audit Service for the period 15 February 2024 to 30 April 2024.

Members of the Committee asked questions/commented on the following topics arising from the report:

- Management review
- Public liability claims

RESOLVED: That

- (1) the progress on the revised 2023/24 Internal Audit Plan to 31 March

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2024 and 2024/25 Internal Audit Plan from 1 April 2024 to 30 April 2024 be noted; and

- (2) the contributions made by the Health and Safety, Insurance, Assurance and Risk and Resilience teams in facilitating the management of the Council's key risks be noted.

7. EXTERNAL AUDIT PLAN 2023/2024

The Committee considered the report of the Executive Director of Corporate Resources and Customer Services which presented Grant Thornton's External Audit Plan 2023/2024 for consideration.

The report contained:

- Key matters
- Introduction and headlines
- Significant risks identified
- Other risks identified
- Group audit scope and risk assessment
- Other matters
- Our approach to materiality
- IT Audit Strategy
- Value for Money Arrangements
- Risks of significant VFM weaknesses
- Audit logistics and team
- Audit fees and updated auditing standards
- IFRS 16 'Leases' and related disclosures
- Independence and non-audit services
- Communication of audit matters with those charged with governance
- Escalation policy
- Addressing the audit backlog

Members of the Committee asked questions/commented on the following topics arising from the report:

- Audit fees relating to previous years' audits that had yet to be finalised by the Council's previous external auditor
- Audit backlogs and the implications for the 2023/24 audit
- Proposed fees

RESOLVED:

That Grant Thornton's External Audit Plan for 2023/2024 be considered and received.

8. DRAFT STATEMENT OF ACCOUNTS 2023/2024

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The Committee considered the report of the Executive Director of Corporate Resources and Customer Services which presented the draft unaudited 2023/2024 Statement of Accounts for consideration.

The report included:

- Narrative report
- Statement of Responsibilities for the Statement of Accounts
- Comprehensive Income and Expenditure Statement
- Movement in Reserves Statement
- Balance Sheet
- Cash Flow Statement
- Notes to the Financial Statements – Expenditure and Funding Analysis
- Other Notes to the Financial Statements
- Collection Fund
- Group Accounts
- Annual Governance Statement
- Independent Auditors Report to the Members
- Glossary
- Abbreviations
- Useful Addresses

Members of the Committee queried some of the figures relating to Senior Officers pay and it was agreed that the Service Manager - Finance would review these.

RESOLVED: That

- (1) the draft 2023/2024 Statement of Accounts, and feedback to officers on the issues identified, be received and considered; and
- (2) the timetable for the completion of the external audit that will be conducted by Grant Thornton be noted.

9. FINANCIAL MANAGEMENT CODE

The Committee considered the report of the Executive Director of Corporate Resources and Customer Services that provided an update on progress in implementing the action plan for further improvements and also identified additional actions to further improve compliance.

The Chartered Institute of Public Finance and Accountancy (CIPFA) had issued a Financial Management (FM) Code which aimed to ensure a high standard of financial management in local authorities. This required an annual assessment of the Council's compliance with the code and was accompanied by an action plan for improvement. Many areas of good practice in financial management were highlighted within the compliance assessment.

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RESOLVED: That

- (1) the principles of good financial management be noted;
- (2) the approaches and lessons learnt from the implementation of the FM code be noted;
- (3) the progress in implementing the actions which have been carried out to further improve both compliance with the Code and financial management across the Authority be noted; and
- (4) the additional actions identified to further improve compliance be noted.

10. TREASURY MANAGEMENT POSITION TO MAY 2024

The Committee considered the report of the Executive Director of Corporate Resources and Customer Services which provided Members with a review of the Treasury Management activities undertaken to 31st May 2024. The document was the first report of the ongoing quarterly monitoring provided to the Audit and Governance Committee, whose role it was to carry out scrutiny of treasury management policies and practices.

Members of the Committee asked questions/commented on the following topics arising from the report:

- Council Tax income
- Internal borrowing
- Cash flow forecasting
- Interest rates

RESOLVED: That

- (1) the Treasury Management update to 31st May 2024 be noted;
- (2) the effects of decisions taken in pursuit of the Treasury Management Strategy be considered; and
- (3) implications of changes resulting from regulatory, economic and market factors affecting the Council's treasury management activities be considered.

11. SENDING / DISCUSSING PERSONAL INFORMATION POLICY

The Committee considered the report of the Executive Director of Corporate Resources and Customer Services which sought approval for a revised policy on Sending / Discussing Personal information.

RESOLVED:

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That the revised policy on Sending / Discussing Personal Information be approved.

12. UNREASONABLY PERSISTENT AND UNACCEPTABLE BEHAVIOUR POLICY

The Committee considered the report of the Executive Director of Corporate Resources and Customer Services which provided Members with a revised policy and procedure for dealing with unreasonably persistent and unacceptable behaviour by members of the public when complaining to the Council or making data access requests.

Members of the Committee asked questions/commented on the following issues arising from the report:

- The impact of the policy for staff and Members in Sefton
- The use of an Independent Person
- Vulnerable persons

RESOLVED: That

- (1) the report and revised policy be considered; and
- (2) a final draft be submitted to Council for approval.

13. WORK PROGRAMME UPDATE REPORT

The Committee considered the quarterly work programme update report of the Executive Director of Corporate Resources and Customer Services. The Audit and Governance Committee Work Programme had been developed to help ensure that all of the responsibilities of the Committee set out in the Audit and Governance Committee's Terms of Reference were discharged during the municipal year

The report provided an update on reports listed for submission at the meeting of the Audit and Governance Committee held on 20 March 2024 and reasons for non-submission of some of the reports listed.

The reports considered at the meeting on 20 March 2024 were listed in the Work Programme for the 2023-24 Municipal Year, which had been approved by the Audit and Governance Committee on 15 March 2023.

RESOLVED:

That the Audit and Governance Committee Work Programme update on reports listed for submission to the meeting held on 20 March 2024 be noted.

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Review of Members Code of Conduct Complaints 2023 - 2024

Date of meeting:	4 September 2024		
Report to:	Audit and Governance Committee		
Report of:	Executive Director – Corporate Services and Commercial		
Portfolio:	Corporate Services		
Wards affected:	All		
Is this a key decision:	No	Included in Forward Plan:	No
Exempt/confidential report:	No		

Summary:

The report provides a summary of complaints received in the municipal year 2023 to 2024 that Members of Sefton Council had breached its Members Code of Conduct.

Recommendation:

(1) That the report be noted.

1. The Rationale and Evidence for the Recommendations

1.1 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 they are acting in that capacity.

1.2 Under section 27 of the Localism Act 2011, a relevant authority must:

- Promote and maintain high standards of conduct by its members and co-opted members.
- When discharging its duty, adopt a voluntary code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in their capacity as members (that is in an official capacity).

1.3 Section 28(6) requires a relevant authority (other than a parish council) to have arrangements in place to deal with complaints that its code of conduct has been breached.

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2.0 Summary of Complaints received in 2023-24.

2.1 Twelve complaints were received during the municipal year 2023-24 and a summary of each is provided below.

Complaint A

A complaint was received from a member of the public that a member's register of interests was not accurate. Upon review by the Council's Monitoring Officer and liaison with the member concerned the Monitoring Officer was satisfied that the register was accurate, and the member of the public was informed of the same.

Complaints B and C

A complaint was received from a member of the public that a member's register of interest was not accurate. The complaint was considered by the Initial Assessment Sub-Committee which decided not to refer the matter to the Council's Monitoring Officer for investigation as the member had by then amended his register. They did recommend that the Monitoring Officer ensure that the member in question undertake training on the Members Code of Conduct which they subsequently undertook.

A further complaint was received from the same member of the public that the same member's register of interest was still not accurate. The member concerned was informed of the complaint and apologised for the oversight and asked the Monitoring Officer to refer the matter to an Initial Assessment Sub-Committee. The Sub-Committee decided to refer the matter to the Monitoring Officer for further action. That being to ask the Monitoring Officer to contact the member to seek written confirmation that his Register of Interests is up to date and accurate and explore with him the suggestion from the Sub-Committee that he make a public statement about the two complaints that have been made against him relating to his register of interests. The member subsequently confirmed that his register of interests was up to date and accurate and made a statement about the complaints at a Full Council meeting.

Complaint D

A member of the public complained about a social media post from a member. However, when the Monitoring Officer requested a copy of the post no reply was received. The notification of delivery facility in Outlook confirmed that the Monitoring Officer's email had been delivered. No further action was taken.

Complaints E and F

A member of the public complained that a member had failed to adhere to a pre-election promise to resolve an issue to his satisfaction. The Monitoring officer made preliminary enquires into the complaint and it was clear that the member in question had raised the issue with appropriate officers within the Council and those officers and the member had had numerous emails exchanges with the member of the public but he was not satisfied with the outcome. The member of the public also complained that the leader of the member's group had not dealt with his complaint about the member to his satisfaction.

After consulting with the Chair of the Audit and Governance Committee the Monitoring Officer informed the complainant that his complaints could not be considered to be valid complaints under the Code of Conduct and no further action would be taken in relation to the same.

Complaint G

A complaint was received from a member of the public about the way a member chaired a committee meeting. After consulting with the Chair of the Audit and Governance Committee the Monitoring Officer informed the complainant that his complaint could not be considered to be valid complaints under the Code of Conduct and no further action would be taken in relation to the same.

Complaint H

A complaint was received from the same member of public as in **Complaint G** above about a member's conduct at the same meeting. Again, after consulting with the Chair of the Audit and Governance Committee the Monitoring Officer informed the complainant that his complaint could not be considered to be a valid complaint under the Code of Conduct and no further action would be taken in relation to the same.

Complaint I

An email was received from a member of the public complaining about comments made by a member at a social event which did not appear to be connected with Council business or when the member was acting as a councillor. The Monitoring Officer emailed the member of the public explaining the provisions relating to the Members Code of Conduct only applying when the member was acting as a councillor or giving the impression that they were and inviting the member of the public to make a formal complaint utilising the on-line form if they wished to continue with the complaint. No reply was received. The notification of delivery facility in Outlook confirmed that the email had been delivered. No further action was taken.

Compliant J

A complaint was received from a member of the public about a member's posts on social media. The matter was referred to an Initial Assessment Sub-Committee and the sub-committee decided to take no further action in relation to the complaint. The members of the sub-committee were mindful of the fact that the posts about which the complaint related were not addressed to the complainant and were mindful of the context in which the member made the posts. That context being the many unpleasant, crude and offensive posts directed towards the member and their family and colleagues on the Facebook page.

Complaint K

A complaint was received from a member of the public that a member had not taken action in a timely manner as he promised to do in relation to a planning matter. The member in question had apologised for the oversight. The Council's Monitoring Officer felt that the complaint could not amount to a breach of the Code of Conduct, so no further action was taken. The Monitoring officer was also mindful that the Council had no power to compel the member in question to comply with the remedy sought by the complainant.

Complaint L

A complaint was received from a member of the public about a member's posts on social media. The matter was referred to an Initial Assessment Sub-Committee and the Sub-Committee decided to take no further action in relation to the complaint. The members of the sub-committee considered that the complaint was politically motivated and were mindful of the context in which the member made the post. That context being the many unpleasant, crude and offensive posts the complainant had made on the Facebook page about the member, their family and colleagues.

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3. Financial Implications

None

4. Legal Implications

The Localism Act 2011 provides that all councils must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity.

4. Corporate Risk Implications

By adopting a Code of Conduct and ensuring training is provided to its members, the Council will reduce the risk of any member acting contrary to the Code.

5 Staffing HR Implications

None

6 Conclusion

The report provides a summary of complaints received in the municipal year 2023 to 2024 that Members of Sefton Council had breached its Members Code of Conduct and the way those complaints were dealt with.

Alternative Options Considered and Rejected

None

Equality Implications: There are no equality implications.
Impact on Children and Young People: None
Climate Emergency Implications: The recommendations within this report will have a neutral impact.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Services and Commercial (FD.7738/24) has been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision : With immediate effect

Contact Officer:	David McCullough
Telephone Number:	07973 297719
Email Address:	david.mccullough@sefton.gov.uk

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Appendices: There are no appendices to this report

Background Papers: None

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Audit and Governance Committee

Council



Report Title: Review of the Council's Constitution

Date of meeting:	Audit and Governance Committee – 4 September 2024 Full Council – 12 September 2024		
Report to:	Audit and Governance Committee Full Council		
Report of:	Executive Director – Corporate Services and Commercial		
Portfolio:	Cabinet Member for Corporate Services		
Wards affected:	All		
Is this a key decision:	No	Included in Forward Plan:	No
Exempt/confidential report:	No		

Summary:

The report provides a number of recommendations and options for the Council's Constitution to be amended to reflect good practice and changes of arrangements within the Council.

Recommendation(s):

Audit and Governance Committee

- 1) To recommend to Council that the recommendations set out in paragraphs 2.4 (dates of Full Council meetings), 4.3 (motions), 5.5 (questions at Full Council) 6.2 (cabinet portfolios) , 7.1 (petition scheme) of the report be approved and 8.3 (Planning Committee).
- 2) To make recommendations to Full Council on the options described in paragraph 3.2 (Budget Council agenda).

Council

- 1) That the recommendations of the Audit and Governance Committee be approved.

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1. The Rationale and Evidence for the Recommendations

- 1.1 Under the provisions of the Local Government Act 2000, local authorities must prepare a constitution and keep it up to date. The constitution must contain the authority's standing orders, the code of conduct for members and co-opted members and, other matters as prescribed by the Local Government Act 2000 (Constitutions) (England) Direction 2000.
- 1.2 The Council's Monitoring Officer has responsibility for ensuring that the constitution is fit for purpose and up to date. The constitution allows the Monitoring Officer to make legislative and any other necessary and urgent changes to the constitution and other changes should be presented to this committee for approval and recommendation to Council.
- 1.3 The Council's Monitoring Officer has undertaken an exercise to review the constitution compared to provisions in the constitutions of the local authorities in the Liverpool City Region (LCR) and also in relation to issues which have been raised at recent Full Council meetings.

2 The Number and Date of Full Council Meetings

- 2.1 Sefton has five ordinary meetings, one budget meeting and an Annual General Meeting (which is normally split in two parts) each municipal year. All the other LCR local authorities have four ordinary meetings, one budget meeting and an Annual General Meeting.
- 2.2 Sefton is the only local authority in the LCR that holds an ordinary meeting in April each municipal year. The Council's Monitoring Officer is mindful that in most years the April ordinary meeting falls within the 'purdah period' or more accurately the period of heightened sensitivity as far as publicity is concerned.
- 2.3 *The Code of Recommended Practice on Local Authority Publicity* states that local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections. Generally speaking, during the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. In general, local authorities should not issue any publicity which seeks to influence voters. There is a concern that holding a Full Council in this period and therefore, using Council resources may fall foul of this recommended practice.
- 2.4 The position across the LCR is summarised in the table below together with a recommended option for future meetings in the end column to align with best practice.
- 2.5 If members were minded to agree to the proposed changes they would take effect from April 2026.

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	<u>Sefton</u>	<u>Liverpool</u>	<u>Knowsley</u>	<u>St. Helens</u>	<u>Wirral</u>	Proposed For Sefton
Jan	X		X	X		
Feb	X - Budget	X			X - Budget	X - Budget
Marc		X - Budget	X – Budget X	X - Budget	X	X
April	X					
May	X - AGM	X - AGM	X- AGM	X - AGM	X - AGM	X - AGM
June						
July	X	X	X	X	X	X
Aug						
Sept	X	X		X		X
Oct			X		X	
Nov	X	X		X		X
Dec					X	

3 Budget Council

3.1 Upon reviewing the agendas for Budget Council meetings across the LCR it was noted that Liverpool City Council limit the agenda items for budget meetings so that the only business transacted at the budget meeting will be:

- The setting of the Council Tax for the following year
- The setting of the Council's budget and related decisions determined by the Council's S.151 Officer
- If it is the final meeting before the end of the financial year, any decisions that are required by law to be made by Full Council, and
- Any business agreed by the Mayor following advice from the Monitoring Officer.

3.2 Members are asked to consider whether Sefton's budget meeting agenda should be changed to mirror the above or remain the same.

4 Motions

4.1 Whilst it has become custom and practice for amendments to motions to be put in writing and advance notice being given to the Chief Legal and Democratic Officer (and a template being utilised) this is not stipulated in the constitution and in recent meetings there has

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been some confusion with handwritten amendments being presented to the Mayor during debates on motions.

- 4.2 A review of the LCR local authority constitutions shows different approaches to amendments. Wirral Council require 3 days' notice of amendments and Liverpool City Council require 2 days' notice.
- 4.3 It is recommended that the constitution be amended to provide that notice of an amendment must be put in writing and submitted to the Chief Legal and Democratic Officer no later than 12 noon on the Tuesday before the Thursday Full Council meeting. This will allow the Chief Legal and Democratic Officer time to consider whether the proposed amendment is a valid amendment and liaise with the mover of the amendment as necessary and to allow time for copies of the proposed amendment to be made to distribute around the Council chamber at the appropriate time. For budget council any budget amendments should also be received by 12 noon on the Tuesday before the Thursday meeting with the amendment having been approved before this time by the Council's Section 151 Officer.

5 Questions

- 5.1 A review of the LCR local authorities' constitutions concerning questions from members at Full Council shows that practice varies considerably. For example, Liverpool City Council only allow each political group to submit two questions and notice must be given 12 noon, 7 clear working days before the day of the meeting., Knowsley Council do not allow supplementary questions, and St. Helens only allow each member to ask only one question.
- 5.2 Members will be aware that Sefton's constitution provides for:
- No maximum number of questions
 - Supplementary question may be asked to each question
 - 30 Minutes allowed to deal with all questions
 - Notice – 12 noon 2 clear working days before meeting
 - Questions must relate to a matter to which the Council has powers or duties or which affect Sefton.
- 5.3 At recent Full Council meetings a number of questions have been asked, some of which are quite detailed requiring officers and members to spend a considerable amount of time in a short space of time to compile responses. It is also not uncommon for a question to be asked which contains several sub questions.
- 5.4 An analysis of questions and sub questions at recent Council meetings shows the following:

<u>Date of Full Council</u>	<u>Substantive Questions</u>	<u>Sub Questions</u>
11 July 2024	8	10
18 April 2024	12	10
18 January 2024	13	25
16 November 2023	11	11
14 September 2023	24	18

5.5 It is recommended that the constitution be amend to provide for questions from members to be received by 12 noon at least 5 clear days before Full Council and that there are no sub questions. Therefore, if Full Council is held on a Thursday the questions must be received by 12noon on the Thursday before.

6 Cabinet Portfolios

6.1 Members will be aware that following the local elections in May 2024 the Leader of the Council formed a Cabinet comprising the following:

Cabinet Portfolio	
Leader of the Council	
Cabinet Member – Adult Social Care and Health and Deputy Leader	
Cabinet Member - Children Schools and Families	
Cabinet Member - Cleansing and Street Scene	
Cabinet Member - Communities and Partnership Engagement	
Cabinet Member - Corporate Services	
Cabinet Member - Housing and Highways	
Cabinet Member - Public Health and Wellbeing	
Cabinet Member – Regeneration, Economy and Skills and Deputy Leader	

6.2 Permission is sought to make appropriate changes to the Constitution to reflect the changes in the Cabinet and for permission be given to the Council’s Monitoring Officer to make similar changes in the future should the composition of the Cabinet change without the need to seek Full Council approval beforehand. This will ensure the Constitution accurately reflects the position wit the Cabinet in a timelier manner.

7 Petitions

7.1 Provisions relating to petitions from members of the public are contained in a number of places in the Constitution and it is recommended that they be consolidated into one section of the Constitution as per the attached **Petition Scheme**. This should make it easier for members of the public to understand the provisions and participate in the democratic process.

8 Planning Committee

8.1 Currently, Chapter 7, s. 22 a) of the constitution requires the following applications to be reported to Planning Committee:

“ major planning applications 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”

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The intention of this is so applications are not brought to Committee where, for example:

1. five or more representations are in favour and it is proposed to approve the scheme, or where
2. five or more representations are opposed to the scheme and it is proposed to refuse the scheme.

That is, “those representations” align with the decision it is proposed to make.

8.2 There has been a recent case where there were seven representations in total of which four were in support of the proposal. The proponent of the scheme argued that the officer determination to refuse the application wasn't in line with the representations and so the decision was not made in line with the constitution.

8.3 In order to avoid this confusion it is recommended that an addition be made as outlined below (*in italics*) to that section to make it clear that applications which have fewer than 5 representations either for or against will not be reported to Planning Committee. However, if schemes have more than 5 representations for or more than 5 representations against, they will be brought to Planning Committee except where the application is being recommended for determination by officers in line with those representations.

Chapter 7, s. 22 a):-

major planning applications which are the subject of five or more representations *in favour of the application, and / or five or more representations opposing the application* 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.

9. Financial Implications

None directly from the report.

10. Legal Implications

Under the provisions of the Local Government Act 2000, local authorities must prepare a constitution and keep it up to date

11. Risk Implications

None directly from the report.

12. Staffing HR Implications

None directly from the report.

13. Conclusion

12.1 Members are asked to consider the report and make appropriate recommendations to Full Council in order for the Council's Constitution to be for purpose and reflect circumstances within the Council.

Alternative Options Considered and Rejected: Not to review the Council's Constitution would be contrary to statutory requirements.

<p>Equality Implications:</p> <p>There are no equality implications.</p>
<p>Impact on Children and Young People:</p> <p>None directly from the report.</p>
<p>Climate Emergency Implications:</p> <p>The recommendations within this report will have a neutral impact.</p>

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Services and Commercial (FD.7732/24) and the Chief Legal and Democratic Officer is the author of the report

(B) External Consultations

None

Implementation Date for the Decision:

Immediately following the Committee and Full Council meeting.

Contact Officer:	David McCullough
Telephone Number:	079730 297719
Email Address:	david.mccullough@sefton.gov.uk

Appendices:

- Draft Petition Scheme

Background Papers: None

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DRAFT SEFTON COUNCIL PETITION SCHEME

The Council welcomes petitions and recognises that they are just one of many ways in which people can let us know about their concerns and participate in the democratic process. This scheme sets out how the Council will deal with petitions that meet the criteria set out in the scheme.

1. WHO CAN SUBMIT OR SIGN A PETITION?

Anyone who lives, works, or studies within the Borough of Sefton can organise a petition but you can only sign a petition if you live in the Borough.

2. WHAT CAN THE PETITION BE ABOUT?

Petitions should be relevant to a matter over which the Council has powers or duties. If the petition does not fall within the remit of the Council's powers, we will return your petition to you and where possible, try to identify the correct organisation for you to send the petition to.

3. WHAT INFORMATION MUST THE PETITION CONTAIN?

All petitions must contain:

- the title/subject of the petition and a clear and concise statement covering the subject of the petition and stating what action the petitioners wish the Council to take.
- the petition organiser's contact details.
- the name, address, and signature of the any person supporting the petition, who lives within the Borough of Sefton.

Petitions which are considered to be vexatious, abusive, or otherwise inappropriate will not be considered.

4. TYPES OF PETITIONS

The type of petition determines how a petition will be responded to. There are different types of petitions:

1. Petition making representations to a Cabinet Member or a meeting of the Cabinet or Committee – these require 25 or more signatures. **See Section 6 below.**
2. Petition requesting a debate at a full Council meeting – these require 500 or more signatures. **See Section 7 below.**
3. Petition requesting the relevant senior officer to give evidence at a public meeting of the Council's appropriate Overview and Scrutiny Committee - these require 1375 signatures. **See Section 8 below.**
4. Petition making representations on a planning application – these require 25 or more signatures and endorsed by a Councillor who is not a member of Planning

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Committee, and the petition should be submitted to the **Chief Planning Officer**. - **See Section 9 below.**

5. Petition making representations on a licensing application. **See Section 10 below.**
6. Statutory petition requesting a referendum on having an elected mayor. This will require the signatures of more than 5% of the local electorate. Please contact elections@sefton.gov.uk
7. Petition on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates - Please see [Appeal a Council Tax bill or fine: Appeal a bill - GOV.UK \(www.gov.uk\)](#)

Petitions relating to points 1-3 as set out above can be submitted to the Democratic Services Manager in the following way:

- Paper petitions can be sent to: Democratic Services Manager, Town Hall, Trinity Road, Bootle L20 7AE
- Electronic petitions can be created, signed and submitted on-line through our website via this link: [Sefton Home](#) You will need to enter your name and address on-line.

The Council will consider all petitions that fall within the scope of this scheme. If you need any advice, please contact the Democratic Services Manager on 0151 934 2254 or by email at debbie.campbell@sefton.gov.uk

5. WHAT HAPPENS NEXT?

All petitions sent or presented to the Council will receive an acknowledgement within 10 working days. This acknowledgement will set out what we plan to do with the petition.

In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case, we will explain the reasons and discuss the revised timescale with you.

If the petition does not follow the guidelines set out above, the Council may decide not to do anything with it. In that case we will write to you to explain why.

6. REPRESENTATIONS TO A CABINET MEMBER OR A MEETING OF THE CABINET OR COMMITTEE

When a written petition relating to the Borough, and containing the signatures of at least 25 residents of the Borough, is submitted with a request that a deputation in support of such petition be received, arrangements will be made for the deputation to attend the relevant [Cabinet /Committee meeting](#) concerned.

Where the petition relates to a matter already upon an Agenda issued for a Cabinet / Committee meeting, **provided that the petition is submitted by 12 noon three working days before the meeting** the deputation shall be invited to attend that meeting, and the matter concerned shall be dealt with in advance of other items on the Agenda.

Where the petition relates to a matter for which the Agenda has not yet been issued, the deputation shall be invited to attend the next appropriate meeting and the matter referred to in the petition shall be included as the first substantive item on the Agenda for such meeting.

When a deputation is to be received, only one of the deputation, who need not necessarily be a petitioner, shall speak, and such speech (inclusive of the reading of the petition) shall not exceed five minutes. The member of the deputation speaking shall address the Chair and no members of the deputation shall enter into discussion or debate. The member of the deputation speaking may be asked questions on presentation.

7. COUNCIL DEBATE

When a written petition relating to the Borough and containing the signatures of at least 500 residents of the Borough, is submitted with a request that a deputation in support of such petition be received, arrangements will be made for the deputation to attend a meeting of the full Council.

If the petition is submitted by 12 noon, three working days prior to a Council meeting, the Council will endeavour to consider the petition at that meeting. However, on some occasions this may not be possible, and consideration will then take place at the following meeting. A member of the delegation who need not necessarily be a petitioner, will be given five minutes to present the petition at the meeting. The member of the deputation speaking shall address the Chair. The petition will then be discussed by Councillors for a maximum of 15 minutes. and no members of the deputation shall enter into discussion or debate.

The Council will decide how to respond to the petition at the meeting. They may decide to take the action the petition requests, not take the action requested for reasons put forward at the debate or refer the matter to another decision-making body of the Council. When the issue is one on which another decision-making body or Officer are required to make the final decision, the Council will decide whether to make recommendations to inform the decision. The petition organiser will receive written confirmation of the decision.

8. OFFICER EVIDENCE AT AN OVERVIEW AND SCRUTINY COMMITTEE MEETING

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job.

If your petition contains at least 1,375 signatures, the relevant senior officer will give evidence at a public meeting of the Council's appropriate Overview and Scrutiny

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Committee.

You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs.

The Committee may also decide to call the relevant Cabinet Member to attend the meeting. Committee Members will ask the questions, but you will be able to suggest questions to the Chair of the Committee by contacting the Democratic Services Manager.

A list of the senior staff who can be called to give evidence can be found at Appendix 1 below.

9. PLANNING APPLICATIONS

For some types of planning application (as determined by Chapter 7, Part B, Clause 21), you can present a petition which must contain the names, addresses and signatures of 25 or more Sefton residents. This will enable you or an appointed spokesperson to address the Planning Committee.

The Chief Planning Officer must receive the petition by the latest neighbour consultation date, which is shown on the 'important dates' tab within the planning application details at the following link: [Search and View Planning Applications and Appeals \(sefton.gov.uk\)](#)

The petition can be submitted via email to the Planning Department: planning.department@sefton.gov.uk

OR

By handing it in / post to: **The Chief Planning Officer, Sefton Council, Magdalen House, 30 Trinity Road, Bootle L20 3NJ.**

The Council's rules with regard to public speaking at Planning Committee are as follows:

- Where there is a petition objecting to or supporting a planning application and this contains the names of at least 25 residents of the Borough and which is endorsed by a Councillor (who is not a Member of the Planning Committee), the representative of the petitioners shall be allowed to address the Committee upon the subject of the petition for up to a maximum of five minutes.
- The Council has prepared a form for anyone wishing to submit a petition which can be accessed [here](#).
- When this occurs, the respondent (usually the applicant/agent for planning permission) will also be allowed to address the meeting for up to a maximum of five minutes. If the petition is in support of an application, the objectors (if any) will be permitted to respond for a period of five minutes.

- Where there is more than one such petition, the respondent shall have five minutes to reply to each petition.
- Where there is more than one such petition, the Council encourages the disparate petitions to address different points, where more than one such petition seeks to address the committee with the same points the petitions will be invited to agree and propose only one petition to the committee or share the same five minutes.
- Members of the Planning Committee may ask questions of the petitioner and respondent at the conclusion of their five-minute presentations. Members may not, however, enter into a dialogue with petitioners/respondents.
- A dialogue will not be permitted between the applicant/agent and representatives of the petitioners. Normally any questions or issues arising from representations will be responded to by officers and the Chair will identify those specific matters requiring a response.
- If, following notification, petitioners **choose not to address** the Committee the respondent will retain the right to address the Committee.

10. LICENSING APPLICATIONS

If you wish to make representations or submit a petition in respect of a licensing application which you have been notified about or which has been published on the Council's website: [Licensing Act public notices \(sefton.gov.uk\)](http://sefton.gov.uk/licensing-act-public-notice)

You can make representations to the Licensing Section via email to: licensing@sefton.gov.uk

OR

By post to: **The Licensing Section, Sefton Council, Magdalen House, 30 Trinity Road, Bootle. L20 3NJ.**

11. HOW WILL THE COUNCIL RESPOND TO PETITIONS?

Once the petition has been considered the petition organiser will be informed of the decision taken within 5 working days.

12. WHAT IF I AM NOT SATISFIED WITH THE RESPONSE?

If you feel that we have not dealt with your petition in the procedurally correct manner, the petition organiser has the right to request that the appropriate Council Overview and Scrutiny Committee reviews the steps that the Council has taken in response to your petition.

It is helpful to everyone and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

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The Committee will aim to consider your request at its next meeting, although on some occasions this may not be possible, and consideration will take place at the following meeting.

Should the Committee determine that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter.

If the appropriate Overview and Scrutiny Committee has already dealt with the matter, it will be referred to the Chief Executive and any appropriate action will be determined. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days.

APPENDIX 1 - OFFICERS OF THE COUNCIL THAT CAN BE CALLED TO ACCOUNT

- Chief Executive
- All Executive Directors
- All Assistant Directors
- Monitoring Officer
- Chief Planning Officer.

Work Programme Update Report

Date of meeting:	4 September 2024		
Report to:	Audit and Governance Committee		
Report of:	Executive Director – Corporate Services and Commercial		
Portfolio:	Corporate Services		
Wards affected:	All Wards		
Is this a key decision:	No	Included in Forward Plan:	No
Exempt/confidential report:	No		

Summary:

The Audit and Governance Work Programme has been developed to help ensure that all of the responsibilities of the Committee set out in the Audit and Governance Committee's Terms of Reference are discharged during the municipal year.

This report provides an update on reports listed for submission at the meeting of the Audit and Governance Committee held on 19 June 2024 and reasons for non-submission of some of the reports listed.

The reports considered at the meeting on 19 June 2024 were listed in the Work Programme for the 2024-2025 Municipal Year, which had been approved by Audit and Governance Committee on 20 March 2024.

Recommendation(s):

The Committee is requested to note the Audit and Governance Committee Work Programme update on reports listed for submission to the meeting held on 19 June 2024.

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1. The Rationale and Evidence for the Recommendations

1.1 Introduction / Background

1.1.1 The Work Programme for each Municipal Year is an important element in planning the year ahead as being closely aligned with the Terms of Reference, it ensures that the Committee has a structured, consistent approach to fulfilling its responsibilities within the Terms of Reference and helps to ensure the effectiveness of the Audit and Governance Committee. It is also important to note that a degree of flexibility is applied in order that any ad hoc / urgent reports may be considered by the Committee as and when required.

1.2 Work Programme Update – June 2024

1.2.1 It is good practice to provide the Audit and Governance Committee with regular updates on reports listed in the Work Programme and submission of ad hoc reports for consideration at each of its quarterly meetings.

1.2.2 Appendix 1 provides details of the reports listed in the 2024-2025 Work Programme for consideration at the meeting of the Audit and Governance Committee held on 19 June 2024 and the reasons for non-submission of some of the reports listed. It also provides details of ad hoc reports submitted which were not listed in the Work Programme.

1.2.3 As agreed by Audit and Governance Committee on 22 June 2022, update reports on adherence to the Work Programme will be provided to each of the quarterly meetings of the Audit and Governance Committee throughout the municipal year.

2. Financial Implications

There are no direct financial implications.

3. Legal Implications

There are no direct legal implications.

4. Corporate Risk Implications

The Work Programme includes a Quarterly Corporate Risk Register.

5 Staffing HR Implications

There are no direct staffing implications.

6 Conclusion

The Chartered Institute of Public Finance and Accountancy (CIPFA) publication –

“Practical Guidance for Local and APage 34nd Police” recommends as good practice,

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the provision of an annual Work programme to enable Audit and Governance

Committees to discharge their duties in accordance with their Terms of Reference.

Adherence to the work plan ensures that the Audit and Governance Committee has a structured, consistent approach to fulfilling its responsibilities as detailed in the CIPFA guidance.

Alternative Options Considered and Rejected:

To not have a Work Programme and not update the Committee on reasons for non-submission of expected reports would lessen the effectiveness of the Audit and Governance Committee.

Equality Implications: There are no equality implications.
Impact on Children and Young People: None
Climate Emergency Implications: The recommendations within this report will have a Neutral impact.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Services and Commercial (FD.7744/24) and the Chief Legal and Democratic Officer (LD.5844/24.) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision:

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Immediately following the Committee meeting.

Contact Officer:	Amy Dyson
Telephone Number:	0151 934 2045
Email Address:	amy.dyson@sefton.gov.uk

Appendices:

Appendix 1 - Update on Reports listed in the 2024-25 Audit and Governance Committee Work Programme and ad hoc reports submitted for consideration by Audit and Governance Committee held on 19 June 2024.

Background Papers:

<https://modgov.sefton.gov.uk/ecSDDisplay.aspx?NAME=SD2926&ID=2926&RPID=34906445>

Update on Reports listed in the Audit and Governance Work Programme for consideration by Audit and Governance Committee held on 19 June 2024

	Report Title	Inclusion Rationale	Details	Comments and/or reason for delay
	Governance Reports			
(1)	Work Programme Quarterly Update Report	Good practice	Submitted and Noted	
	Internal Audit Reports			
(2)	Performance update on Risk and Audit Team including: <ul style="list-style-type: none"> • Audit Team • Health and Safety • Counter Fraud • Insurance and other risk areas such as Business Continuity 	Terms of Reference	Submitted and Approved	Quarterly update provided to Members
(3)	Annual Opinion of the Chief Internal Auditor including: <ul style="list-style-type: none"> • review of impairment on independence and objectivity • QAIP • Assessment against PSIAS and LGAN 	Terms of Reference	Submitted and Approved	
	Risk Management Reports			
(8)	Review of the Quarterly Corporate Risk Register	Terms of Reference	Submitted and Noted	Quarterly update provided to Members
(9)	Regular report on health and safety (included in Quarterly Corporate Risk Register Report)			

	Monitor Role			
(10)	Reporting of the anti- fraud, bribery and corruption strategy (included in Risk and Audit Service Performance Report)	Terms of Reference	Submitted and approved	
(11)	Review of CIPFA Financial Management Code	Terms of Reference	Submitted and approved	
	Accounts, Financial Statements & Treasury Management Reports			
(12)	External Auditor Annual Audit Letter on completion of the External Audit	Terms of Reference		Delayed
(13)	External Auditor Annual Report	Terms of Reference		Delayed – Audit Plan submitted instead
(14)	Treasury Management In-Year Position	Terms of Reference	Submitted and noted	
	Ad hoc Reports (not on Work Programme)			
	Sending / Discussing Personal Information Policy		Submitted and approved	
	Unreasonably Persistent and Unacceptable Behaviour Policy		Submitted and approved	